

**TITLE 18. ENVIRONMENTAL QUALITY**  
**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**SOLID WASTE MANAGEMENT**

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## ARTICLE 1. ~~RESERVED~~ GENERAL

### **R18-13-101. Solid Waste Definitions**

In addition to the definitions in A.R.S. §§ 44-1301, 44-1321, 49-701 and 49-701.01, unless the context otherwise requires, in Articles 4-18:

"Active life" means the period of operation of a solid waste facility beginning with the initial receipt of solid waste and ending at closure activities pursuant to this Chapter.

"Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

"Alert level" means a value or criterion established in an facility plan approval that serves as an early warning indicating a potential violation of a plan approval condition related to BADCT or the discharge of a pollutant to groundwater.

"Application" means the solid waste facility plan that an owner or operator submits to the Department for approval.

"AQL" means an aquifer quality limit and is a limitation set in a facility plan approval for aquifer water quality measured at the point of compliance that either represents an Aquifer Water Quality Standard or, if an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of the issuance of a plan approval, represents the ambient water quality for that pollutant.

"BADCT" means the best available demonstrated control technology, process, operating method, or other alternative to achieve the greatest degree of discharge reduction determined for a facility by the Director under A.R.S. § 49-243.

"Biosolids processing facility" means a solid waste facility that processes biosolids as defined in R18-9-1001(7).

"Bird hazard" means an increase in the likelihood of bird and aircraft collisions that may cause damage to the aircraft or injuries to its occupants.

"Chemical toilet" means a toilet with a watertight, impervious pail or tank that contains a chemical solution placed directly under the seat and a pipe or conduit that connects the riser to the tank.

"Clean closure" at a solid waste facility means a site which satisfies all of the following:

- a. All of the actions specified in R18-13-605(E) or 705(E) have been implemented or the closure requirements of an approved plan have been met;
- b. Any reasonable probability of further discharge from the facility and of exceeding aquifer water quality standards at the point of compliance has been eliminated to the greatest degree practicable; and

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- c. The site has been left in a condition such that no postclosure monitoring or maintenance are necessary to meet the requirements of 18 A.A.C. 13.

“Composting” means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote decomposition. Natural decay of organic solid waste is not composting. Composting does not include physical processing such as chipping or shredding for the purpose of producing mulch.

“Conditionally exempt small quantity generator waste” or “CESQG waste” means hazardous waste in quantities as defined by rules adopted pursuant to A.R.S. § 49-922.

“Construction quality assurance” means a planned system of activities that provide assurance that a facility is constructed as specified in the design and that the materials used in construction are manufactured according to specifications. Construction quality assurance includes inspections, verifications, audit, and evaluations of materials and workmanship necessary to determine and document the quality of the constructed facility.

“Construction quality control” means a planned system of activities that is used to directly monitor and control of a construction project. Construction quality control are the measures taken by the contractor or installer to determine compliance with requirements for workmanship and materials put forth in the plans and specifications for the construction project.

“Contaminated soil” means soil that contains one or more contaminants at a concentration exceeding any of the residential predetermined risk-based standards listed in 18 A.A.C. 7, Article 2, Appendix A, or the standards in R18-7-203(B).

“Daily throughput” means the average amount of waste received by a solid waste facility per day, calculated by dividing the total tonnage or volume received by the actual number of days of operation in the most recent calendar year.

“Defined time period” means the 12-month period that begins on July 1 of a calendar year and ends on June 30 of the following calendar year and consists of the actual number of calendar days in that 12-month period.

“Department” means the Arizona Department of Environmental Quality or a local health department designated by the Department through a delegation agreement under A.R.S. § 49-107.

“Direct cost” means the costs to the Department to maintain a plan review program, excluding indirect costs, but consisting of programmatic cost and non-billable administrative cost.

“Director” means the Director of the Arizona Department of Environmental Quality.

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“Discharge limitation” means any restriction, prohibition, limitation, or criteria established by the Director, through rule, plan approval or order, on quantities, rates, concentrations, combinations, toxicity and characteristics of pollutants.

“Displacement” means the relative movement of any two sides of a fault measured in any direction.

“Disposal fee invoice” means the quarterly landfill disposal fee invoice the Department mails to a landfill owner or operator, on which the landfill owner or operator indicates the amount of waste received and the amount of the disposal fees owed to the Department as required under A.R.S. § 49-836.

“Disrupted” means that a structural component of a solid waste facility has been compromised.

“Earth-pit privy” means a device for disposal of human excreta in a pit in the earth.

“Face amount” means the total amount the insurer is obligated to pay under the policy.

“Fault” means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

“Financial statement,” used by itself without qualification, means three principal statements: the balance sheet, the income statement, and a statement of changes in equity. For an individual it means a balance sheet and two most recent annual federal tax returns.

“Floodplain” means the areas adjoining inland waters or including areas where drainage is or may be restricted by man-made structures that have been or may be covered partially or wholly by floodwaters from the one hundred-year flood.

“Full quarter” means any of the standard fiscal quarters of the defined time period for which a municipal solid waste landfill accepted waste on or before the first day of the quarter and on or after the last day of that quarter.

“Groundwater” means water below the land surface in the zone of saturation.

“Holocene” means the most recent epoch of the quaternary period, extending from the end of the Pleistocene epoch to the present.

“Household hazardous waste” means solid waste as described in 40 CFR 261.4(b)(1) as incorporated by reference in R18-8-261.

“Household waste” means any solid waste including garbage, rubbish and sanitary waste from septic tanks that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds,

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picnic grounds and day use recreation areas, not including construction debris, landscaping rubble or demolition debris.

“Human excreta” means human fecal and urinary discharges and includes any waste that contains this material.

“Incinerator” means an enclosed unit that burns solid waste without energy recovery.

“Land disposal” means placement of solid waste in or on the land.

“Lateral expansion” means a horizontal expansion of the waste boundaries of an existing MSWLF unit.

“Leachate” means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

“Learning sites” means an existing public school, charter school or private school at the K-12 level, and any planned site for a school approved by the Arizona School Facilities Board.

“Liquid waste” means any solid waste that is determined to contain free liquids, defined by the Paint Filter Liquids Test as described by U.S. EPA Test Method 9095.

“Lithified earth material” means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. Lithified earth material does not include man-made materials such as fill, concrete and asphalt or unconsolidated earth materials, soil or regolith lying at or near the earth surface.

“Lower explosive limit” means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° C and atmospheric pressure.

“Material recovery facility” means a facility that collects, compacts, repackages, sorts, or processes solid waste for the purpose of recycling and transport, and where the incoming materials are commingled with other non-recyclable solid waste.

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“Maximum horizontal acceleration in lithified earth material” means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 per cent or greater probability that the acceleration will not be exceeded in two hundred fifty years, or the maximum expected horizontal acceleration based on a site specific seismic risk assessment.

“Mulch” means a protective covering spread and left upon the ground to reduce evaporation, maintain even soil temperature, prevent erosion, or control weeds.

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"Municipal solid waste landfill" means any solid waste landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste.

"Net working capital" means current assets minus current liabilities.

"Net worth" means the difference between total assets and total liabilities.

"Non-captive insurer" means any insurer that does not meet the definition of an agency captive insurer, a group captive insurer, a protected cell captive insurer or a pure captive insurer, as those terms are defined in A.R.S. § 20-1098.

"Non-municipal solid waste landfill" or "non-MSWLF" means a solid waste landfill that is not a municipal solid waste landfill.

"One hundred-year flood" means a flood that has a one per cent chance of being equaled or exceeded in a one-year period, based on criteria established by the Director of the Arizona Department of Water Resources.

"Other reasonable direct cost" means costs documented in writing by the Department relating to plan review. Examples of other reasonable direct cost are laboratory analysis charges, public notice advertising, presiding officer expenses, court reporter expenses, facility rentals, and contract services.

"Operator" means the person or persons responsible for the overall operation of a solid waste facility or part of a solid waste facility.

"Owner" means the person or persons who own a solid waste facility or part of a solid waste facility.

"Pail or can type privy" means a privy equipped with a watertight container, located directly under the seat for receiving deposits of human excreta, that provides for removal of a waste receptacle that can be emptied and cleaned.

"Permanent household waste collection center" means a site where household hazardous waste collection occurs at a permanent site or at any site more than 6 days in a calendar quarter.

"Putrescible" means capable of being rapidly decomposed by microorganisms.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

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"Recycling" means the process of collecting, separating, cleansing, treating and reconstituting post-consumer materials that would otherwise become solid waste and returning them to the economic stream in the form of raw material for reconstituted products which meet the quality standards necessary to be used in the marketplace, but does not include incineration or other similar processes.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment but excludes:

- a. Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons.
- b. Emissions from the engine exhaust of any motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine.
- c. Release of source, by-product or special nuclear material, as those terms are defined in A.R.S. § 30-651, resulting from the operation of a production or utilization facility as defined in the atomic energy act of 1954 (68 Stat. 919; 42 United States Code sections 2011 through 2297), which is subject to the regulatory authority of the United States nuclear regulatory commission as specified in that act, and the agreement, dated March 30, 1967, entered into between the governor of this state and the United States atomic energy commission pursuant to A.R.S. § 30-656 and section 274 of the atomic energy act of 1954, as amended.
- d. The normal application of fertilizer.

"Seismic impact zone" means an area with a ten per cent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

"Septage hauler license" means a stamp, seal, or numbered certificate issued by the Department under 18 A.A.C. 13, Article 11 for a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other on-site wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet.

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"Sewage" means the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation.

"Solid waste facility plan" means a plan or the individual components of a plan, such as the design, operational, closure, or post closure plan, submitted to the Department for review and plan approval.

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"Solid waste land disposal facility" means a solid waste landfill, a surface impoundment associated with a solid waste landfill, or other solid waste facility in which land disposal occurs.

"Structural components" means liners, leachate collection and recovery systems, final covers, run-on or run-off systems, flood control components and any other components used in the construction and operation of the solid waste disposal facility that are necessary for protection of public health and the environment.

"Substantial business relationship" means a pattern of recent or ongoing business transactions to the extent that a guaranty contract issued incident to that relationship is valid and enforceable.

"Surface impoundment" means a facility or part of a facility that is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials, but which may be lined with human-made materials, that is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and that is not an injection well.

"Tangible net worth" means an owner's net worth, plus subordinated debts, less good will, patent rights, royalties and assets and receivables due from affiliates or shareholders.

"Total plan costs" means the costs of closure, postclosure care, and corrective action for known releases as estimated by the owner or operator of a solid waste facility in a financial responsibility plan submitted under this Chapter.

"Treatment facility" means a solid waste facility owned, operated or utilized by any person for the treatment, as defined in A.R.S. § 49-701(35) of solid waste, conditionally exempt small quantity generator waste, or household hazardous waste.

"Unattended" means a solid waste facility where the owner or operator does not routinely have employees on site during the times it is open to the public.

"Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas may include poor foundation conditions, areas susceptible to mass movements and karst terranes.

"Vector" means an insect, rodent, bird, or other living animal which is capable of transmitting an infectious disease from one organism to another.

"Vegetative waste" means waste derived from plants, including tree limbs and branches, stumps, grass clippings and other waste plant material. Vegetative waste does not include processed lumber, paper, cardboard and other manufactured products that are derived from plant material.

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"Washout" means the carrying away of solid waste by surface water runoff.

"Waste disposal rate" means the average amount of waste disposed in this state by a person daily, which the Department has calculated to be 6.17 pounds per person per day.

"Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

"Waste to energy facility" means a facility whose principal function is to convert, combust, or otherwise process solid waste generated off site using pyrolysis, destructive distillation, gasification, or another chemical or biological process for the purpose of synthetic fuel production or energy recovery.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.

"White goods" means ovens, washers, dryers, freezers, water heater, refrigerators and other large household or commercial appliances that have been discarded for disposal or recycling.

#### **Article 6: Requirements for Facilities Subject to Best Management Practices**

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#### **R18-13-600. Solid Waste Facilities Subject to Best Management Practices; Applicability**

The following types of solid waste facilities are subject to best management practices and shall comply with the requirements of this Article:

1. A staffed transfer facility that has a daily solid waste throughput of 180 cubic yards or less, including a material recovery facility where the incoming materials contain garbage or refuse or are commingled recyclables.
2. A waste pile storing putrescible solid waste or solid waste having the potential to create leachate and that has a daily solid waste throughput of 180 cubic yards or less.
3. A permanent household hazardous waste collection center with daily throughput of 180 cubic yards or less.
4. A solid waste facility that is used for the collection of glycol based antifreeze, or CESQG waste generated off site, that has a storage capacity of 180 cubic yards or less, and that stores the antifreeze or CESQG waste for less than 90 days.
5. A site at which more than 500 and fewer than 5,000 waste tires are stored on any day that is not required to obtain plan approval pursuant to ARS 49-762.
6. A solid waste facility where only asbestos containing waste material from manufactured products is stored, processed, treated or disposed.
7. An unattended transfer facility including a material recovery facility that has a daily solid waste throughput of 180 cubic yards or less but not including the following:

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- a. A material recovery facility where the incoming materials are primarily single stream recyclables.
- b. Community recycling bins.
- c. Community bins for the collection of municipal solid waste and refuse regulated under Article 3.

**R18-13-601. General Requirements for Solid Waste Facilities Subject to Best Management Practices; Requirement for a Solid Waste Facility Notice**

- A.** For a solid waste facility subject to best management practices which begins operating after the effective date of this Section, the owner or operator shall file a solid waste facility notice with the Department no later than 30 days prior to beginning operation.
- B.** For a solid waste facility subject to best management practices in operation on the effective date of this Section, the owner or operator shall file a solid waste facility notice within 180 days after the effective date of this Section.
- C.** An updated solid waste facility notice shall be filed with the Department when there is a change in the owner, operator, or name of the solid waste facility, or a change in the physical location of the facility or its mailing address.
- D.** A solid waste facility notice shall be submitted on a form prescribed by the Department and shall include the following information:
  - 1. The name of the solid waste facility and its mailing address.
  - 2. The name, address and telephone number of each owner and operator of the solid waste facility.
  - 3. The physical location of the solid waste facility, described in both subdivisions (a) and (b), and either subdivision (c) or (d):
    - a. The legal description of the property on which the facility is located, expressed by township, range, and section, and county assessor's book, map, and parcel number.
    - b. Latitude and longitude expressed in degrees, minutes, and seconds, with the method the location was determined and the nearest city or town.
    - c. Physical address expressed as:
      - i. Street name and number;
      - ii. City, town, community, or post office name;
      - iii. Zip code.
    - d. Driving directions from the nearest city or town, if located in an unincorporated area.
  - 4. A description of the waste storage and treatment equipment and methods of waste management, including types and volumes of waste handled and the length of time the waste remains on site.
  - 5. A description of the waste management practices used at the solid waste facility, including measures taken to protect the environment and public health.
  - 6. A diagram showing the relative location of the features of the solid waste facility.
  - 7. A site map prepared to scale, indicating property and facility size, relative to the surrounding area.
  - 8. The design capacity of the facility.

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**R18-13-602. Financial Assurance for Solid Waste Facilities Subject to Best Management Practices**

- A. Beginning 180 days after the effective date of this Article, a solid waste facility may not be operated unless financial responsibility has been demonstrated for the costs of closure, post-closure care, if necessary, and any corrective action as a result of known releases from the facility.
- B. A demonstration of financial responsibility made for a solid waste facility under A.R.S. Title 49, Chapter 2, Article 3, suffices, in whole or in part, for any demonstration of financial responsibility required by this rule.
- C. A demonstration of financial responsibility is subject to 18 A.A.C. 13, Article 18.

**R18-13-603. General Requirements for Solid Waste Facilities Subject to Best Management Practices; Basic Design and Operating Standards**

- A. The owner or operator of a solid waste facility subject to best management practices other than an unattended transfer facility shall design, construct, operate and maintain the facility to control public access to the solid waste facility, prevent unauthorized vehicular traffic, provide for site security both during and after hours, and prevent scavenging and unauthorized dumping of wastes.
- B. The owner or operator of a solid waste facility subject to best management practices shall post a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the facility does not accept, and a telephone number to contact the owner or operator about the operation of the facility.
- C. The owner or operator of a solid waste facility subject to best management practices shall design, construct, operate and maintain the facility to control litter and vector breeding and attraction at the facility. The owner or operator of a solid waste facility subject to best management practices other than an unattended transfer facility or a tire facility subject to 611 shall establish a plan to control wind-blown litter that includes equipment and methods to contain litter and a schedule and methods to collect scattered litter in a timely manner.
- D. Except as otherwise provided in subsection (E), the owner or operator of a facility subject to best management practices shall design, construct, operate and maintain a system to control storm water run-on to and run-off from the facility that diverts water from contacting solid waste and handles the diverted water in a manner consistent with state law and local ordinance or regulation. In addition, the system shall meet the following requirements:
  - 1. A run-on control system shall prevent flow onto or into any area where solid waste is handled during the peak discharge from a 25-year storm.
  - 2. A run-off control system shall collect and control the water volume resulting from a 24-hour, 25-year storm.
- E. To the extent that a facility subject to best management practices has stormwater discharges subject to regulation by the Arizona Pollutant Discharge Elimination System Program under A.R.S. Title 49, Chapter 2, Article 3.1, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (D).

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- F. The owner or operator of a solid waste facility where only asbestos-containing waste material from manufactured products is stored, processed, treated or disposed shall comply with ARS 49-762.02(6) in addition to subsections (A) through (E) of this Section.

**R18-13-604. Emergency Preparedness for Solid Waste Facilities Subject to Best Management Practices**

- A. The owner or operator of a solid waste facility subject to best management practices shall design, construct, operate and maintain the facility to have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.

- B. The owner or operator of a solid waste facility subject to best management practices shall make arrangements for fire protection services where available. Except for an unattended transfer facility, where fire protection services are not available, an adequate water supply and fire fighting equipment suited to the type and volume of waste at the facility shall be maintained or be readily available. The owner or operator shall ensure that personnel are trained to use the equipment.

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- C. The owner or operator of a solid waste facility subject to best management practices other than an unattended transfer facility shall maintain an emergency preparedness procedure to respond to releases of, or from, waste at the facility to air, soil, surface water or groundwater which pose an imminent and substantial endangerment to public health or the environment.

- D. An emergency preparedness procedure required by this Section shall be implemented in response to releases of waste resulting from fires, explosions or any other unplanned event.

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- E. At minimum, an emergency preparedness procedure required by this Section shall contain all of the following information:

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1. The name and contact information of the emergency response coordinator responsible for implementing the emergency preparedness plan at the facility.
2. The name and contact information for the local fire department or other emergency response organizations who would respond to a release from the facility.
3. A general description of the method or procedures to be taken in response to releases of waste, and personnel and equipment located at the facility that will be used in the response action.

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4.

- F. The owner or operator of an unattended transfer facility shall post the information in subsection (E)(2) in a prominent manner on site.

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**R18-13-605. Closure for Solid Waste Facilities Subject to Best Management Practices**

- A. The owner or operator of a solid waste facility subject to best management practices shall develop, maintain, and comply with a written closure plan that meets the requirements of this Section. This plan shall be submitted to the Department in accordance with R18-13-1802(C).

- B. A written closure plan required by this Section shall describe the steps necessary for closure of the solid waste facility.

- C. The owner or operator of a solid waste facility shall notify the Department of the intent to close the solid waste facility at least 90 days before closure activities begin. At least 60

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days before closure activities begin, the owner or operator shall post signs to notify the general public of the proposed closure date.

- D. The owner or operator of a solid waste facility that does not receive any solid waste for a period of 365 consecutive days shall commence closure activities according to this Section.

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- E. The owner or operator of a solid waste facility subject to best management practices shall comply with the following closure requirements:

1. Except for asbestos facilities listed in R18-13-600(6) that dispose of asbestos, remove all waste from the facility. Remove all waste residue from buildings, fences, roads, equipment or other improvements related to waste handling or storage, treatment or disposal.
2. Dispose of all waste removed from the closing facility only at a waste facility regulated by the Department, or at a waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
3. Sample and analyze soil, groundwater, and surface water for contamination if there has been a release to the environment.
4. Take precautions to prevent unauthorized use of the site.
5. Begin closure activities no later than 30 days after the date on which the solid waste facility ceases storing, processing, treating, or disposing of solid waste.
6. Complete closure activities within 180 days after the date on which closure activities begin, unless the owner or operator makes a demonstration of the need for an extension.
7. Asbestos facilities listed in R18-13-600(6) that dispose of asbestos shall comply with the closure and postclosure requirements of R18-13-1113 and R18-13-1114 and execute an institutional control that complies with either ARS §§ 49-771 or 49-158.

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- F. The owner or operator of a solid waste facility that closes under this Section shall certify that the closure requirements described in subsection (E)(1) through (E)(7) have been met within 30 days after completion of closure. The certification shall be submitted to the Department.

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G. Any solid waste facility which is not closed as described in subsection (E)(1) through (E)(6) is considered a solid waste land disposal facility subject to plan approval under A.R.S. § 49-762 and closure and post-closure under R18-13-1113 and 1114, and shall modify financial assurance accordingly

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#### **R18-13-606. Corrective Actions for Solid Waste Facilities Subject to Best Management Practices**

- A. The owner or operator of a solid waste facility subject to best management practices shall conduct corrective action in response to a release from a facility, if the release violates or results from a violation of a design and operation standard in this Article, or causes or threatens to cause a significant adverse effect on human health or the environment. Corrective action shall be conducted according to this Section.
- B. The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall conduct the corrective action in accordance with the standards described in A.R.S. § 49-282.06(A), (B)(4)(a) and (b), (C), (D), and (F).
- C. The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall cause the site to be listed in the repository established for the purpose of listing remediation sites, as required by A.R.S. § 49-152(E).

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**R18-13-607. Staffed Transfer Facilities having a daily solid waste throughput of 180 cubic yards or less; Additional requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to best management practices, the owner or operator of a staffed transfer facility, that has a daily solid waste throughput of 180 cubic yards or less, including a material recovery facility where the incoming materials contain garbage or refuse or are commingled recyclables shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- C.** The waste screening program required by subsection (B) shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.
- D.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is intended to handle liquid or semisolid solid waste other than what is commonly found in a municipal solid waste stream:
    - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored.
    - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
- E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle liquid or semisolid solid waste shall meet the following design and construction standards:

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1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system must include design considerations to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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- F.** Except as otherwise provided in subsection (G), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:
1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (D) or (E), or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
  2. Provide for collection and removal of any leachate and washdown water.
- G.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (F).
- H.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of the weight or volume of solid waste received for each day of facility operation, or if the facility is unattended, demonstrate daily throughput through records of the weight or volume of each load of solid waste transported from the facility. The owner

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or operator shall make the record for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**R18-13-608. Waste piles storing putrescible solid waste or solid waste having the potential to create leachate and having a daily throughput of 180 cubic yards or less; Additional requirements**

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I. Liquid waste, unless contained in closed containers, not made of glass, the capacity of which does not exceed 5 gallons, shall not be accepted at a facility described by subsection (A).

- A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to best management practices, the owner or operator of a waste pile storing putrescible solid waste or solid waste having the potential to create leachate and that has a daily solid waste throughput of 180 cubic yards or less, shall comply with the requirements of this Section.
- B. The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C. The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D. The waste screening program required by subsection (C) shall include the following, at a minimum:
  - 1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  - 2. Records of any inspections of incoming loads.
  - 3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  - 4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  - 5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  - 6. Proper handling of wastes requiring special handling.
- E. Except as otherwise provided in subsection (F), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:
  - 1. Provide that waste that is stored on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
  - 2. Provide for collection and removal of any leachate and washdown water.
- F. To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner

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or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (E).

- G. Liquid waste shall not be accepted at a facility described by subsection (A).

**R18-13-609. Permanent Household Hazardous Waste Facilities having a daily throughput of 180 cubic yards or less; Additional requirements**

- A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to best management practices, the owner or operator of a permanent household hazardous waste facility that has a daily solid waste throughput of 180 cubic yards or less, shall comply with the requirements of this Section.
- B. The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures, and the waste verification procedures at the facility.
- C. The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D. The waste screening program required by subsection (C) shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.
- E. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is used to handle liquid or semisolid solid waste:
    - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and

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- b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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**G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

**H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner

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or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

**I.** Liquid wastes may be accepted at a facility described by subsection (A) if they are stored at the facility in either of the following:

1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and labeled with the date the waste is first placed in the container.
2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

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**R18-13-610. Solid waste facilities that are used for the collection of glycol based antifreeze, or CESQG waste generated off site, that have a storage capacity of 180 cubic yards or less, and that store the antifreeze or CESQG waste for less than 90 days; Additional requirements**

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**A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to best management practices, the owner or operator of a solid waste facility that is used for the collection of glycol based antifreeze, or CESQG waste generated off site, that has a storage capacity of 180 cubic yards or less and that stores the antifreeze or CESQG waste for less than 90 days, shall comply with the requirements of this Section.

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**B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.

**C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.

**D.** The waste screening program required by subsection (C) shall include the following, at a minimum:

1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
2. Records of any inspections of incoming loads.
3. Training of facility personnel to recognize wastes which:
  - a. Are not authorized by law to be handled by that type of solid waste facility.
  - b. Require separation and special handling when received.
4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
6. Proper handling of wastes requiring special handling.

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**E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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- G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:
1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
  2. Provide for collection and removal of any leachate and washdown water.
- H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).
- I.** Liquid wastes may be accepted at a facility described by subsection (A) if they are stored in either of the following:
1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and ~~labeled with the date the waste is first placed in the~~ container.
  2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

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**R18-13-611. Facilities at which more than 500 and fewer than 5,000 waste tires are stored on any day that are not required to obtain plan approval; Additional requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to best management practices, the owner or operator of a site at which more than 500 and fewer than 5,000 waste tires are stored on any day that is not required to obtain plan approval pursuant to ARS 49-762, shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described in subsection (A) shall meet the following requirements in addition to the requirements in A.R.S. 44-1304.01:
1. In addition to the twenty foot wide access routes between and around tire piles required by A.R.S. 44-1304.01, the owner or operator shall maintain at least a twenty foot wide buffer zone between and around piles that allows for the unrestricted movement of fire fighting equipment and fire fighting personnel.
  2. Where the bulk volume of stored waste tires is more than 150,000 cubic feet, tire storage piles shall be located at least 50 feet from any building.
  3. Tire storage piles shall be separated by a clear space of at least 40 feet from piles of other stored materials.
  4. Waste tire storage areas shall be maintained free from combustible ground vegetation for a distance of 40 feet from the stored tires to grass or weeds; and for a distance of 100 feet from the waste tire storage area to brush and forested areas.
  5. A public or private fire protection water supply shall be provided in accordance with Section 508 of the International Fire Code, 2003 edition. The water supply shall be arranged such that any part of the waste tire storage area can be reached by using not more than 500 feet of hose.

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6. Open burning is prohibited at a facility described in subsection (A).
7. Cutting, welding or heating devices shall not be operated within 40 feet of the waste tire storage area at a facility described in subsection (A).
8. Waste tire piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.
9. The telephone number of the fire department and location of the nearest telephone shall be posted conspicuously in attended locations.

- C. The owner or operator of a facility described in subsection (A) shall establish and maintain a record of the number of tires received at the facility, the number of tires removed from the facility, and the final disposition of any tires received at the facility. The owner or operator shall make the record for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**R18-13-612. Unattended Transfer Facilities having a daily solid waste throughput of 180 cubic yards or less; Additional requirements**

- A. In addition to meeting the requirements of R18-13-601 through R18-13-606 applicable to an unattended transfer facility, the owner or operator of an unattended transfer facility that has a daily solid waste throughput of 180 cubic yards or less, but not including the facilities in R18-13-600(7)(a) through (c), shall comply with the requirements of this Section.

- B. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, or transport, and that prevents access by vectors.
4. If the container is intended to handle liquid or semisolid solid waste other than what is commonly found in a municipal solid waste stream:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

- C. The owner or operator of a facility described in subsection (A) shall not use a tank to handle liquid or semisolid solid waste.

- D. Except as otherwise provided in subsection (E), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container meeting the requirements of subsection (B), or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

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- E. To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (D).
- F. The owner or operator of a facility described in subsection (A) shall demonstrate daily throughput through records of the weight or volume of each load of solid waste transported from the facility. The owner or operator shall make the record for the current month and, at a minimum, for the previous 36 months, available for Department inspection.

**ARTICLE 7. ~~RESERVED~~ REQUIREMENTS FOR SOLID WASTE FACILITIES  
SUBJECT TO SELF-CERTIFICATION**

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**R18-13-700. Solid Waste Facilities Subject to Self-Certification; Applicability**

**A.** The following types of solid waste facilities are subject to self-certification and shall comply with the requirements of this Article:

1. A transfer facility with a daily throughput of more than 180 cubic yards, including a material recovery facility where the incoming materials contain garbage or refuse or are commingled recyclables.
2. A waste storage pile with daily throughput of more than 180 cubic yards.
3. A permanent household hazardous waste collection center with daily throughput of more than 180 cubic yards.
4. A waste composting facility, not in-vessel, not subject to plan approval, and not processing only vegetative waste.
5. An in-vessel composting facility, not subject to plan approval, and not processing only vegetative waste.
6. An incinerator, but not including a mobile air curtain incinerator or an animal crematorium.
7. A waste treatment pile containing putrescible waste or waste with the potential to create leachate.
8. A waste to energy facility.
9. A facility storing 5,000 or more waste tires on any one day and not subject to plan approval.
10. A facility where asbestos is stored, processed, treated or disposed other than at a solid waste facility identified as being subject to Article 6 or 11.
11. A liquid waste treatment facility.
12. A recycling facility, as determined under subsections (B), (C), and (D).
13. A waste tire shredding and processing facility.
14. A solid waste facility storing solid waste generated off site longer than 90 days.

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**B.** For purposes of determining if a site is a recycling facility, the following recyclable solid wastes have a significant adverse effect on the environment when treated or processed as described:

1. Electronic waste when treated or processed by shredding, crushing, chemical methods, or heat.
2. End of life motor vehicles, aircraft, boats, and white goods, after processing by shredding, except material regulated as special waste under Article 13.

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3. Glycol based antifreeze or CESQG waste treated or processed by chemical or physical methods such as filtering or distillation.

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5. . Spent industrial solvents,

C. For purposes of this Chapter, a site which receives a recyclable solid waste identified in subsection (B) from off site and treats or processes it utilizing the method identified in subsection (B) shall be considered a recycling facility.

D. For purposes of the determination made by subsection (B), these definitions apply:

1. "Significant adverse effect on the environment" means that the waste when exposed to the environment may cause or threaten: 1) soil to exceed the predetermined remediation standards prescribed in R18-7-205; 2) a violation of the Water Quality standards prescribed in 18 A.A.C. 11; 3) volatilization of a hazardous air pollutant listed in 42 U.S.C. 7412(b) into the atmosphere; or 4) an adverse impact to ecological receptors.

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2. "Recyclable solid waste" means a product or material described in (a) or (b), and for which (c) is true:

a. A product with no useful life remaining for the purposes for which it was produced, or if useful life remains, the product will not, due to location, quantity, or owner choice, remain in use or be reused for a purpose for which it was produced.

b. A material that is a result of a process or activity whose purpose was to produce something else.

c. The product or material retains some economic value, with or without further processing, as a raw material or feedstock in some process other than incineration or combustion.

3. "Electronic-waste" means recyclable solid waste that is electronic equipment including computers, monitors, printers, TVs, stereo systems, VCRs and other personal electronic devices.

4. "Chemical method" means a method intended to change the chemical composition of materials in the waste.

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#### **R18-13-701. General Requirements for Solid Waste Facilities Subject to Self-Certification; Requirement for a Solid Waste Facility Notice; Other Procedural Requirements**

A. For a solid waste facility subject to self-certification which begins operating after the effective date of this Section, the owner or operator shall file a solid waste facility notice no later than 30 days prior to beginning operation.

B. For a solid waste facility subject to self-certification in operation on the effective date of this Section, the owner or operator shall file a solid waste facility notice within 180 days after the effective date of this Section.

C. An updated solid waste facility notice shall be filed when there is a change in the owner, operator, or the name of the solid waste facility, or a change in the physical location of the facility or its mailing address.

D. A solid waste facility notice shall be submitted on a form prescribed by the Department and shall include the following information:

1. The name of the solid waste facility and its mailing address.

2. The name, address and telephone number of each owner and operator of the solid waste facility.

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3. The physical location of the solid waste facility, described in both subdivisions (a) and (b), and either subdivision (c) or (d):
  - a. The legal description of the property on which the facility is located, expressed by township, range, and section, and county assessor's book, map, and parcel number.
  - b. Latitude and longitude expressed in degrees, minutes, and seconds, with the method the location was determined and the nearest city or town.
  - c. Physical address expressed as:
    - i. Street name and number;
    - ii. City, town, community, or post office name;
    - iii. Zip code.
  - d. Driving directions from the nearest city or town, if located in an unincorporated area.
4. A description of the waste storage and treatment equipment and methods of waste management, including types and volumes of waste handled and the length of time the waste remains on site.
5. A description of the waste management practices used at the solid waste facility, including measures taken to protect the environment and to protect the public health.
6. A diagram showing the relative location of the features of the solid waste facility.
7. A site map prepared to scale, indicating property and facility size, relative to the surrounding area.
8. The design capacity of the facility.

**E.** The owner or operator of a solid waste facility subject to self-certification shall establish its eligibility to operate by demonstrating to the Department compliance with the self-certification requirements described in this Section.

**F.** The owner or operator of a new solid waste facility subject to self-certification shall provide the Department with all of the following, before beginning operation:

1. A certification that the facility achieves the design and construction requirements of this Article applicable to that type of solid waste facility. ~~The certification shall be sealed by a professional engineer registered in Arizona.~~
2. A copy of a public notice that was published prior to construction in a newspaper of general circulation in the area in which the facility will be operating, stating the intent of the owner or operator to construct and operate a new facility subject to this Section, describing the type of facility and its location, and providing the name and telephone number of a contact person who is able to provide additional information about the facility.
3. The date of approval of the demonstration of financial assurance pursuant to R18-13-702 and 18 A.A.C. 13, Article 18, and the estimated date that operations will begin.
4. An indication whether the owner, the operator, or both, are required to file a certificate of disclosure under A.R.S. § 49-109, and if so, attaching a copy of the certificate of disclosure.

**G.** The owner or operator of a solid waste facility subject to self-certification that is an existing facility shall provide the Department with all of the following, within 180 days after the effective date of this Section:

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1. A certification that the facility complies with the requirements of R18-13-702 through 706 and the specific requirements applicable to that type of solid waste facility. If the owner or operator is unable to provide a certification of compliance with the standards described in this Article, they shall specify the requirements with which they are unable to comply and shall submit to the Department the practices and methods that will be used to achieve compliance with the requirements during the succeeding 180 days. The certification and any submittal shall be sealed by a professional engineer registered in Arizona, if related to design and construction.
2. An indication whether the owner, the operator, or both, are required to file a certificate of disclosure under A.R.S. § 49-109, and if so, attaching a copy of the certificate of disclosure.

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**H.** The owner or operator of a solid waste facility subject to self-certification making a substantial change to the facility shall submit documentation to the Department that the facility will continue to achieve the design and construction requirements of this Article applicable to that type of solid waste facility. This documentation shall be sealed by a professional engineer registered in Arizona if related to design and construction. The following changes to a solid waste facility are considered substantial changes:

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1. An increase in the design capacity of a solid waste facility relative to the design capacity described in the solid waste facility notice and most recent self-certification submittal for that facility.
2. A change in the type of solid waste handled relative to the description of the type of wastes handled in the solid waste facility notice and self-certification submittal for that facility.
3. A material change in the waste management practices at the solid waste facility.
4. A material change in the pollution control devices at the solid waste facility.
5. A change in the design of the system for controlling run-on and run-off.
6. A material change in the closure plan for the solid waste facility, including an extension of the closure deadline described in 705(E)(6).
7. A change in the cost estimate for closure or post-closure care.
8. A change in the financial assurance mechanism.

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**I.** The owner or operator of a solid waste facility subject to self-certification may seek a change to the application of any requirement of this Article if the owner or operator exercises the option to request approval of a solid waste facility plan under A.R.S. § 49-761 (G), rather than certifying compliance.

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**J.** With any initial filing of information under subsection (F) or (G), the owner or operator shall provide the registration fee of \$500 as required by A.R.S. § 49-762.05(H) and Article 21, Appendix A. With a demonstration of compliance with self-certification requirements required because of a substantial change as described in subsection (H), the owner or operator shall provide a registration fee of \$200 as required by A.R.S. § 49-762.05(H) and Article 21, Appendix A.

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#### **R18-13-702. Financial Assurance for Solid Waste Facilities Subject to Self-Certification**

**A.** Beginning 180 days after the effective date of this Article, a solid waste facility subject to self-certification may not be operated unless financial responsibility has been

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demonstrated for the costs of closure, post-closure care, if necessary, and any corrective action as a result of known releases from the facility.

- B. A demonstration of financial responsibility made for a solid waste facility under A.R.S. Title 49, Chapter 2, Article 3, suffices, in whole or in part, for any demonstration of financial responsibility required by this rule.
- C. A demonstration of financial responsibility is subject to 18 A.A.C. 13, Article 18.

**R18-13-703. General Requirements for Solid Waste Facilities Subject to Self-Certification; Basic Design and Operating Standards**

- A. The owner or operator of a solid waste facility subject to self-certification shall design, construct, operate and maintain the facility to control public access to the solid waste facility, prevent unauthorized vehicular traffic, provide for site security both during and after hours, and prevent scavenging and unauthorized dumping of wastes.
- B. The owner or operator of a solid waste facility subject to self-certification shall post a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the facility does not accept, a telephone number to contact the owner or operator about the operation of the facility, and other necessary information posted at the site entrance.
- C. The owner or operator of a solid waste facility subject to self-certification shall design, construct, operate and maintain the facility to control litter and vector breeding and attraction at the facility. The owner or operator of a solid waste facility subject to self-certification, other than a tire facility subject to 715 or 719, shall establish a plan to control wind-blown litter that includes equipment and methods to contain litter and a schedule and methods to collect scattered litter in a timely manner.
- D. The owner or operator of a solid waste facility subject to self-certification shall operate the facility to have a written schedule for conducting internal inspections and monitoring of the facility, including measures to be taken to correct deficiencies detected through inspections or monitoring.
- E. Except as otherwise provided in subsection (F), the owner or operator of a solid waste facility subject to self-certification shall design, construct, operate and maintain a system to control storm water run-on to and run-off from the facility that diverts water from contacting solid waste and handles the diverted water in a manner consistent with state law and local ordinance or regulation. In addition, the system shall meet the following requirements:
  - 1. A run-on control system shall prevent flow onto or into any area where solid waste is handled during the peak discharge from a 25-year, 24-hour storm.
  - 2. A run-off control system shall collect and control the water volume resulting from a 25-year, 24-hour storm event.
- F. To the extent that a facility described in subsection (A) has stormwater discharges subject to regulation by the Arizona Pollutant Discharge Elimination System Program under A.R.S. Title 49, Chapter 2, Article 3.1, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (E).

**R18-13-704. Emergency Preparedness for Solid Waste Facilities Subject to Self-Certification**

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- A. The owner or operator of a solid waste facility subject to self-certification shall design, construct, operate and maintain the facility to have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.
- B. The owner of a solid waste facility subject to self-certification shall make arrangements for fire protection services where available. Where fire protection services are not available, an adequate water supply and fire fighting equipment suited to the type and volume of waste at the facility shall be maintained or be readily available. The owner or operator shall ensure that personnel are trained to use the equipment.
- C. The owner or operator of a solid waste facility subject to self-certification shall maintain an emergency preparedness plan to respond to releases of, or from, waste at the facility to air, soil, surface water or groundwater which pose an imminent and substantial endangerment to public health or the environment.
- D. An emergency preparedness plan required by this Section shall be implemented in response to releases of waste resulting from fires, explosions or any other unplanned event.
- E. At minimum, the emergency preparedness plan shall be maintained to contain all of the following information:
  - 1. The name and contact information of the emergency response coordinator responsible for implementing the emergency preparedness plan at the facility.
  - 2. The name and contact information for the local fire department or other emergency response organizations who would respond to a release from the facility.
  - 3. A general description of the method or procedures to be taken in response to releases of waste, and personnel and equipment located at the facility that will be used in the response action.

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#### **R18-13-705. Closure for Solid Waste Facilities Subject to Self-Certification**

- A. The owner or operator of a solid waste facility subject to self-certification shall develop, maintain, and comply with a written closure plan that meets the requirements of this Section. This plan shall be submitted in accordance with R18-13-1802(C).
- B. A written closure plan required by this Section shall describe the steps necessary for closure of the solid waste facility.
- C. The owner or operator of a solid waste facility shall notify the Department of the intent to close the solid waste facility at least 90 days before closure activities begin. At least 60 days before closure activities begin, the owner or operator shall post signs to notify the general public of the proposed closure date.
- D. The owner or operator of a solid waste facility that does not receive any solid waste for a period of 365 consecutive days shall commence closure activities according to this Section.
- E. The owner or operator of a solid waste facility subject to self-certification shall comply with the following closure requirements:
  - 1. Remove all solid waste from the facility and all solid waste residue from buildings, fences, roads, equipment or other improvements related to solid waste handling or storage, treatment or disposal.

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2. Dispose of all solid waste removed from the closing facility only at a solid waste facility regulated by the Department under this Chapter, or at a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
3. Sample and analyze soil, groundwater and surface water for contamination if there has been a release to the environment.
4. Take precautions to prevent unauthorized use of the site.
5. Begin closure activities no later than 30 days after the date on which the solid waste facility ceases storing, processing, treating, or disposing of solid waste.
6. Complete closure activities within 180 days after the date on which closure activities begin, unless the owner or operator makes a demonstration of the need for an extension.

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- F.** The owner or operator of a solid waste facility that closes under this Section shall certify that the clean closure requirements described in subsection (E)(1) through (E)(6) have been met within 30 days after completion of closure. The certification shall be submitted to the Department.

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**G.** Any solid waste facility which is not closed as described in subsection (E)(1) through (E)(6) is considered a solid waste land disposal facility subject to plan approval under A.R.S. § 49-762 and closure and post-closure under R18-13-1125 and 1126, and shall modify financial assurance accordingly

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#### **R18-13-706. Corrective Actions for Solid Waste Facilities Subject to Self-Certification**

- A.** The owner or operator of a solid waste facility subject to self-certification shall conduct corrective action in response to a release from a facility, if the release violates or results from a violation of a design and operation standard in this Article, or causes or threatens to cause a significant adverse effect on human health or the environment. Corrective action shall be conducted according to this Section.
- B.** The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall conduct the corrective action in accordance with the standards described in A.R.S. § 49-282.06(A), (B)(4)(a) and (b), (C), (D), and (F).
- C.** The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall cause the site to be listed in the repository established for the purpose of listing remediation sites, as required by A.R.S. § 49-152(E).

#### **R18-13-707. Transfer Facilities having a daily solid waste throughput of more than 180 cubic yards; Additional requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a transfer facility that has a daily solid waste throughput of more than 180 cubic yards, including a material recovery facility where the incoming materials contain garbage or refuse or are commingled recyclables shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
  1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is intended to handle liquid or semisolid solid waste other than what is commonly found in a municipal solid waste stream:

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- a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, ~~and~~
- b. The container shall be equipped with ~~or placed in~~ secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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C. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle liquid or semisolid solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with ~~or placed in~~ secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. ~~The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.~~
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system ~~shall be designed~~ to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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D. Except as otherwise provided in subsection (E), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (B) or (C) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

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- E.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (D).
- F.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703. The plan shall provide for the collection and proper disposal of windblown litter at least once per operating day or more often if necessary to ensure that no windblown litter crosses the facility boundaries.
  3. An emergency preparedness plan that meets the requirements described in R18-13-704.
  4. A closure plan that meets the requirements described in R18-13-705.
  5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
  6. Evidence that the facility complies with the container and tank standards of subsections (B) and (C).
  7. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
  8. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
  9. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
  10. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**R18-13-708. Waste storage piles having a daily throughput of more than 180 cubic yards; Additional requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a waste pile that has a daily solid waste throughput of more than 180 cubic yards, shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be

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handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.

**D.** The waste screening program required by subsection (C) shall include the following, at a minimum:

1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
2. Records of any inspections of incoming loads.
3. Training of facility personnel to recognize wastes which:
  - a. Are not authorized by law to be handled by that type of solid waste facility.
  - b. Require separation and special handling when received.
4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
6. Proper handling of wastes requiring special handling.

**E.** Except as otherwise provided in subsection (F), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste is stored on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

**F.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (E).

**G.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:

1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).

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7. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
8. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
9. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
10. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**H.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The type and weight or volume of each load of solid waste received for each day of facility operation.
2. A record of the final disposition of the waste.

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**I.** The owner or operator shall make the records in subsection (H) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**R18-13-709. Permanent Household Hazardous Waste Facilities having a daily throughput of more than 180 cubic yards; Additional requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a permanent household hazardous waste facility that has a daily solid waste throughput of more than 180 cubic yards shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures, and the waste verification procedures at the facility.
- C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D.** The waste screening program required by subsection (C) shall include the following, at a minimum:
  1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.

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5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
6. Proper handling of wastes requiring special handling.

**E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.

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- d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.
- G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:
1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
  2. Provide for collection and removal of any leachate and washdown water.
- H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).
- I.** Liquid wastes may be accepted at a facility described by subsection (A) if they are stored at the facility in either of the following:
1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and ~~labeled~~ with the date the waste is ~~first~~ placed in the container.
  2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.
- J.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
  3. An emergency preparedness plan that meets the requirements described in R18-13-704.
  4. A closure plan that meets the requirements described in R18-13-705.
  5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
  6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
  7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
  8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
  9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.

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10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**K.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. A description of the type and weight or volume of solid waste received for each day of facility operation.
2. A record of any implementation of the emergency preparedness plan.
3. A record of internal inspections and measures taken to correct deficiencies detected through the inspections. Internal inspections include inspection of incoming loads as well as facility inspections.
4. Training records for facility personnel who handle the solid waste and personnel who would respond to an emergency at the facility.

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**L.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**M.** The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and weight or volume of solid waste received each month.
3. The type and weight or volume of solid waste recycled during the year.
4. The type, weight or volume, and disposition of solid waste not stored or recycled.
5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

**R18-13-710. Certain waste composting facilities not in-vessel; Additional requirements**

**A.** The owner or operator of a waste composting facility shall comply with the requirements of this Section in addition to R18-13-702 through R18-13-706 if the waste composting facility:

1. Does not use in-vessel composting.
2. Does not process only vegetative waste, and
3. Is not subject to plan approval under R18-13-1101(A)(5).

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- B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D.** The waste screening program required by subsection (C) shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.
- E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is used to handle liquid or semisolid solid waste:
    - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
    - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
- F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:
1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs

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necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.

2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.

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3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.

6. The tank system shall be designed to ensure that:

- a. The tank system is structurally suited for the proposed use.
- b. The tank foundation is designed to meet the load of a full tank.
- c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
- d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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- G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

- H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

- I.** Septage and grease trap waste are prohibited from being accepted at a facility described by subsection (A). Other liquid wastes may be accepted at a facility described by subsection (A) if they are stored in either of the following:

1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and labeled with the date the waste is first placed in the container.
2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

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- J.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
  3. An emergency preparedness plan that meets the requirements described in R18-13-704.
  4. A closure plan that meets the requirements described in R18-13-705.
  5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
  6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
  7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
  8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
  9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
  10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
  11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.
- K.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:
1. The type and weight or volume of each load of solid waste received for each day of facility operation.
  2. A record of the final disposition of the compost.
- L.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

**R18-13-711. Certain in-vessel waste composting facilities; Additional requirements**

- A.** The owner or operator of a waste composting facility shall comply with the requirements of this Section in addition to R18-13-702 through R18-13-706 if the waste composting facility:
1. Does not process only vegetative waste, and
  2. Is not subject to plan approval under R18-13-1101(A)(5).
- B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the

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waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.

- C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D.** The waste screening program required by subsection (C) shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.
- E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is used to handle liquid or semisolid solid waste:
    - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and Deleted: .
    - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
- F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:
1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks Deleted: new  
and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.

2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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**G.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:

1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.

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10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**H.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The type and weight or volume of each load of solid waste received for each day of facility operation.
2. A record of the final disposition of the compost.

**I.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (H) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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#### **R18-13-712. Incinerators; Additional requirements**

**A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of an incinerator, shall comply with the requirements of this Section.

**B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.

**C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.

**D.** The waste screening program required by subsection (C) shall include the following, at a minimum:

1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
2. Records of any inspections of incoming loads.
3. Training of facility personnel to recognize wastes which:
  - a. Are not authorized by law to be handled by that type of solid waste facility.
  - b. Require separation and special handling when received.
4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
6. Proper handling of wastes requiring special handling.

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**E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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- G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:
1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
  2. Provide for collection and removal of any leachate and washdown water.
- H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).
- I.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
  3. An emergency preparedness plan that meets the requirements described in R18-13-704.
  4. A closure plan that meets the requirements described in R18-13-705.
  5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
  6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
  7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
  8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
  9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
  10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
  11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.
- J.** The owner or operator of a facility described in subsection (A) shall establish and maintain an operating record for each day during which operations, monitoring, or closure activity occurs.

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- K.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:
1. The type and weight or volume of each load of solid waste received.
  2. A record of internal inspections and monitoring of the facility, and, if applicable, measures taken to correct deficiencies detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections.
  3. Monitoring and test results to ensure the incinerator is operating according to manufacturer's specification, if applicable.
  4. Training records for facility personnel who handle the solid waste and personnel who would respond to an emergency at the facility.
  5. Records of the final disposition of the waste.
- L.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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### **R18-13-713. Waste treatment piles; Additional requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a waste treatment pile containing putrescible waste or waste with the potential to create leachate shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D.** The waste screening program required by subsection (C) shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.

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- E.** Except as otherwise provided in subsection (F), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:
1. Provide that waste is stored or processed on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
  2. Provide for collection and removal of any leachate and washdown water.
- F.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (E).
- G.** Liquid waste is prohibited from being accepted at a facility described by subsection (A).
- H.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
  3. An emergency preparedness plan that meets the requirements described in R18-13-704.
  4. A closure plan that meets the requirements described in R18-13-705.
  5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
  6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
  7. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
  8. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
  9. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
  10. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

- I.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The type and weight or volume of each load of solid waste received.
2. A record of internal inspections and monitoring of the facility, and, if applicable, measures taken to correct deficiencies detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections.

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3. A record demonstrating that the physical, chemical, or biological change in the character of the solid waste has taken place according to the method, technique, or process used at the facility.
4. Training records for facility personnel who handle the solid waste and personnel who would respond to an emergency at the facility.
5. Records of the final disposition of the waste.

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J. The owner or operator of a facility described in subsection (A) shall make the records described in subsection (I) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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K. The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and weight or volume of solid waste received each month.
3. The type and weight or volume of solid waste recycled during the year.
4. The type, weight or volume, and disposition of solid waste not stored or recycled.
5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

#### **R18-13-714. Waste to energy facilities; Additional requirements**

- A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a waste to energy facility, shall comply with the requirements of this Section.
- B. The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C. The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D. The waste screening program required by subsection (C) shall include the following, at a minimum:
  1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.

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3. Training of facility personnel to recognize wastes which:
  - a. Are not authorized by law to be handled by that type of solid waste facility.
  - b. Require separation and special handling when received.
4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
6. Proper handling of wastes requiring special handling.

**E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion

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expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.

6. The tank system shall be designed to ensure that:

- a. The tank system is structurally suited for the proposed use.
- b. The tank foundation is designed to meet the load of a full tank.
- c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
- d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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G. Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

H. To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

I. Liquid wastes may be accepted at a facility described by subsection (A) if they are handled as follows:

1. Liquid waste shall be stored in either of the following:
  - a. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and labeled with the date the waste is first placed in the container.
  - b. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

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2. Septage shall be handled in accordance with the following:

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- a. The container or tank used to store the septage at the facility meets the requirements of subsections (E) and (F) and is otherwise constructed and maintained to be fly-tight, and not attract vermin.
- b. The pumps, hoses, tools, and other implements used to transfer the septage are cleaned and disinfected after use and are stored in a covered fly-tight enclosure when not in use.
- c. The septage is transferred as quickly as possible by means of a fly-tight container or suction pump and hose to the storage container.
- d. Any septage dropped or spilled in the process of transferring the septage to or from the storage container is cleaned up immediately and the area restored to pre-spill conditions and disinfected, if possible.

J. The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:

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1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**K.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The type and weight or volume of each load of solid waste received.
2. A record of internal inspections and monitoring of the facility, and, if applicable, measures taken to correct deficiencies detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections.
3. Monitoring and test results to ensure that equipment integral to the waste to energy process is operating according to manufacturer's specification, if applicable.
4. Training records for facility personnel who handle the solid waste and personnel who would respond to an emergency at the facility.
5. Records of the final disposition of the waste.

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**L.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**M.** The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

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1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and weight or volume of solid waste received each month.
3. The type and weight or volume of solid waste recycled during the year.
4. The type, weight or volume, and disposition of solid waste not stored or recycled.
5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

**R18-13-715. Facilities storing 5,000 or more waste tires on any one day and not required to obtain plan approval; Additional requirements**

- A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a facility storing 5,000 or more waste tires on any one day and not required to obtain plan approval under ARS 49-762, shall comply with the requirements of this Section.
- B. The owner or operator of a facility described in subsection (A) shall meet the following requirements in addition to the requirements in A.R.S. § 44-1304.01:
  1. In addition to the twenty foot wide access routes between and around tire piles required by A.R.S. § 44-1304.01, the owner or operator shall maintain at least a twenty foot wide buffer zone between and around piles that allows for the unrestricted movement of fire fighting equipment and fire fighting personnel.
  2. Where the bulk volume of stored waste tires is more than 150,000 cubic feet, tire storage piles shall be located at least 50 feet from any building.
  3. Tire storage piles shall be separated by a clear space of at least 40 feet from piles of other stored materials.
  4. Waste tire storage areas shall be maintained free from combustible ground vegetation for a distance of 40 feet from the stored tires to grass or weeds; and for a distance of 100 feet from the waste tire storage area to brush and forested areas.
  5. A public or private fire protection water supply shall be provided in accordance with Section 508 of the International Fire Code, 2003 edition. The water supply shall be arranged such that any part of the waste tire storage area can be reached by using not more than 500 feet of hose.
  6. Open burning is prohibited at a facility described in subsection (A).
  7. Cutting, welding or heating devices shall not be operated within 40 feet of the waste tire storage area of a facility described in subsection (A).
  8. Waste tire piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.
  9. The telephone number of the fire department and location of the nearest telephone shall be posted conspicuously in attended locations.

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- C. The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
  3. An emergency preparedness plan that meets the requirements described in R18-13-704.
  4. A closure plan that meets the requirements described in R18-13-705.
  5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
  6. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
  7. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
  8. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
  9. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

- D. The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The number of tires received for each day of facility operation.
2. A record of any implementation of the emergency preparedness plan.
3. A record of internal inspections and measures taken to correct deficiencies detected through the inspections or monitoring.
4. The number of waste tires received and the final disposition of the tires per year.

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- E. The owner or operator of a facility described in subsection (A) shall make the records described in subsection (D) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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- F. The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and number of tires received.

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3. The name of facilities from which tires were received.
4. The type and number of tires transported off site.
5. The name of entities which transported the tires off site.
6. The final destination for all tires transported off site.
7. The number of tires remaining on site.
8. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

**R18-13-716. Liquid waste treatment facilities; Additional requirements**

- A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a liquid waste treatment facility, shall comply with the requirements of this Section.
- B. The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C. The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D. The waste screening program required by subsection (C) shall include the following, at a minimum:
  1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.
- E. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
  1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.

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3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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**G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F).
2. Provide for collection and removal of any leachate and washdown water.

**H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner

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or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

**I.** Liquid wastes shall be handled as follows:

1. Liquid waste shall be stored in either of the following:
  - a. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and labeled with the date the waste is first placed in the container.
  - b. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.
2. Septage shall be handled in accordance with the following:
  - a. The container or tank used to store the septage at the facility meets the requirements of subsection (E) or (F) and is otherwise constructed and maintained to be fly-tight, and not attract vermin.
  - b. The pumps, hoses, tools, and other implements used to transfer the septage are cleaned and disinfected after use and are stored in a covered fly-tight enclosure when not in use.
  - c. The septage is transferred as quickly as possible by means of a fly-tight container or suction pump and hose to the storage container.
  - d. Any septage dropped or spilled in the process of transferring the septage to or from the storage container is cleaned up immediately and the area restored to pre-spill conditions and disinfected, if possible.

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**J.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:

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1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.

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11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**K.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

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1. The type and weight or volume of each load of waste received.
2. A record of internal inspections and monitoring of the facility, and, if applicable, measures taken to correct deficiencies detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections.
3. A record demonstrating that the physical, chemical, or biological change in the character of the waste has taken place according to the method, technique, or process used at the facility.
4. Training records for facility personnel who handle the waste and personnel who would respond to an emergency at the facility.
5. Records of the final disposition of the waste.

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**L.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**M.** The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

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1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and weight or volume of solid waste received each month.
3. The type and weight or volume of solid waste recycled during the year.
4. The type, weight or volume, and disposition of solid waste not stored or recycled.
5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

#### **R18-13-717. Recycling facilities; Additional requirements**

**A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a facility described by 700(B), (C), and (D) (recycling facility) shall comply with the requirements of this Section.

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**B.** The owner or operator of a facility recycling facility shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.

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C. The owner or operator of a recycling facility shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.

D. The waste screening program required by subsection (C) shall include the following, at a minimum:

1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
2. Records of any inspections of incoming loads.
3. Training of facility personnel to recognize wastes which:
  - a. Are not authorized by law to be handled by that type of solid waste facility.
  - b. Require separation and special handling when received.
4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
6. Proper handling of wastes requiring special handling.

E. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:
  - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
  - b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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F. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus

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an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.

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3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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**G.** Except as otherwise provided in subsection (H), the owner or operator of a recycling facility which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

**H.** To the extent that a recycling facility is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

**I.** Liquid wastes may be accepted at a recycling facility if they are stored in either of the following:

1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and labeled with the date the waste is first placed in the container.
2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

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**J.** The owner or operator of a recycling facility shall develop, maintain, and comply with a written operational plan that includes the following:

1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.

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2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**K.** The owner or operator of a recycling facility shall establish and maintain a record of all of the following:

1. The type and weight or volume of each load of solid waste received for each day of facility operation.
2. A record of any implementation of the emergency preparedness plan.
3. A record of internal inspections and measures taken to correct deficiencies detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections.
4. Training records for facility personnel who handle the solid waste and personnel who would respond to an emergency at the facility.
5. Records of the final disposition of the waste.

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**L.** The owner or operator of a recycling facility shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**M.** The owner or operator of a recycling facility shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.

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- d. A description of the waste management practices used at the solid waste facility.
2. The type and weight or volume of solid waste received each month.
3. The type and weight or volume of solid waste recycled during the year.
4. The type, weight or volume, and disposition of solid waste not stored or recycled.
5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

**R18-13-718. Waste tire shredding and processing facilities; Additional Requirements**

- A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a waste tire shredding and processing facility shall comply with the requirements of this Section.
- B. The owner or operator of a facility described in subsection (A) shall meet the following requirements in addition to the requirements in A.R.S. 44-1304.01:
  1. In addition to the twenty foot wide access routes between and around tire piles required by A.R.S. 44-1304.01, the owner or operator shall maintain at least a twenty foot wide buffer zone between and around piles that allows for the unrestricted movement of fire fighting equipment and fire fighting personnel.
  2. Where the bulk volume of stored waste tires is more than 150,000 cubic feet, tire storage piles shall be located at least 50 feet from any building.
  3. Tire storage piles shall be separated by a clear space of at least 40 feet from piles of other stored materials.
  4. Waste tire storage areas shall be maintained free from combustible ground vegetation for a distance of 40 feet from the stored tires to grass or weeds; and for a distance of 100 feet from the waste tire storage area to brush and forested areas.
  5. A public or private fire protection water supply shall be provided in accordance with Section 508 of the International Fire Code, 2003 edition. The water supply shall be arranged such that any part of the waste tire storage area can be reached by using not more than 500 feet of hose.
  6. Open burning is prohibited at a facility described in subsection (A).
  7. Cutting, welding or heating devices shall not be operated within 40 feet of the waste tire storage area of a facility described in subsection (A).
  8. Waste tire piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.
  9. The telephone number of the fire department and location of the nearest telephone shall be posted conspicuously in attended locations.
- C. The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:
  1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
  2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.

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3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
7. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
8. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
9. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**D.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The weight or volume of each load of ~~tires~~ received for each day of facility operation.
2. A record of any implementation of the emergency preparedness plan.
3. A record of internal inspections and measures taken to correct deficiencies detected through the inspections or monitoring.

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**E.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (D) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**F.** The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

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1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and number of tires received.
3. The name of facilities from which tires were received.
4. The type and number of tires shredded or processed.
5. The type and number or volume of processed tires transported off site.
6. The name of entities which transported the processed tires off site.
7. The final destination for all processed tires transported off site.
8. The number of tires remaining on site.
9. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year.

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If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

**R18-13-719. Off site storage facility storing solid waste for greater than 90 days; Additional Requirements**

- A.** In addition to meeting all of the requirements of this Article for a solid waste facility subject to self-certification, the owner or operator of a solid waste facility storing solid waste generated off site for greater than 90 days shall comply with the requirements of this Section.
- B.** The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility.
- C.** The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- D.** The waste screening program required by subsection (C) shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility.
  2. Records of any inspections of incoming loads.
  3. Training of facility personnel to recognize wastes which:
    - a. Are not authorized by law to be handled by that type of solid waste facility.
    - b. Require separation and special handling when received.
  4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.
  5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment.
  6. Proper handling of wastes requiring special handling.
- E.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is used to handle liquid or semisolid solid waste:
    - a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and

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- b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

**F.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
6. The tank system shall be designed to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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**G.** Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.
2. Provide for collection and removal of any leachate and washdown water.

**H.** To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner

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or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

**I.** Liquid wastes may be accepted at a facility described by subsection (A) if they are stored in either of the following:

1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and ~~labeled with the date the waste is first placed in the~~ container.
2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

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**J.** Septage may be accepted at a facility described in subsection (A) if it is stored for three days or less. Stored septage shall be handled in accordance with the following:

1. The container or tank used to store the septage at the facility meets the requirements of subsections (E) or (F) and is otherwise constructed and maintained to be fly-tight, and not attract vermin.
2. The pumps, hoses, tools, and other implements used to transfer the septage are cleaned and disinfected after use and are stored in a covered fly-tight enclosure when not in use.
3. The septage is transferred as quickly as possible by means of a fly-tight container or suction pump and hose to the storage container.
4. Any septage dropped or spilled in the process of transferring the septage to or from the storage container is cleaned up immediately and the area restored to pre-spill conditions and disinfected, if possible.

**K.** The owner or operator of a facility described in subsection (A) shall develop, maintain, and comply with a written operational plan that includes the following:

1. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of R18-13-702 and Article 18.
2. A plan to control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction as required by R18-13-703.
3. An emergency preparedness plan that meets the requirements described in R18-13-704.
4. A closure plan that meets the requirements described in R18-13-705.
5. A plan to control run-on and run-off as described in R18-13-703(E) unless the plan indicates that R18-13-703(F) applies.
6. A description of the waste identification and screening program as required by subsections (B), (C), and (D).
7. Evidence that the facility complies with the container and tank standards of subsections (E) and (F).
8. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
9. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, and the capacity of the waste handling equipment.

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10. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to correct deficiencies detected through inspections or monitoring.
11. A training plan that ensures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.

**L.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

1. The type and weight or volume of each load of solid waste received for each day of facility operation.
2. A record of any implementation of the emergency preparedness plan.
3. A record of internal inspections and measures taken to correct deficiencies detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections.
4. A record of the final disposition of the waste.

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**M.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (L) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the facility.

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**N.** The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and weight or volume of solid waste received each month.
3. The type and weight or volume of solid waste recycled during the year.
4. The type, weight or volume, and disposition of solid waste not stored or recycled.
5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

*(draft, to be renumbered)* **ARTICLE 11. SOLID WASTE FACILITIES SUBJECT TO PLAN APPROVAL**

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**R18-13-1101. Solid Waste Facilities Subject to Plan Approval**

- A.** The owner or operator of the following solid waste facilities shall obtain approval of a solid waste facility plan in accordance with ARS §§ 49-762.03 and 49-762.04 and 1102:
1. Solid waste land disposal facilities, including municipal solid waste landfills, non-municipal solid waste landfills, and associated surface impoundments handling leachate from landfills.

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2. Biosolids processing facilities.
3. Medical waste facilities.
4. Special waste facilities.
5. Commercial or government-owned household waste composting facilities unless only vegetative waste is processed.
6. A site at which five hundred or more waste tires are stored on any day and any tire is stored for more than twelve months unless the site is a waste tire collection site owned by a municipality or a county.

#### **R18-13-1102. Procedures Related to Plan Approval Facilities**

##### **A. Application Requirements**

1. The owner or operator of a new solid waste facility subject to A.R.S. § 49-762 shall obtain facility plan approval from the Department prior to construction. The application for plan approval shall comply with this Section.
2. An application for a facility plan approval for a solid waste facility subject to A.R.S. § 49-762 shall contain:
  - a. Evidence that the facility complies with city, town, or county zoning ordinances, or that they are inapplicable and evidence of compliance with ARS 49-767, if applicable.
  - b. Evidence that the facility meets the location restrictions in this Article specifically applicable to that type of solid waste facility.
  - c. Engineering reports, plans and specifications that address the design standards in this Article specifically applicable to that type of solid waste facility.
  - d. A description of any treatment processes, including process flow diagrams, effectiveness of treatment, and design capacity.
  - e. A plan of operation meeting the requirements in this Article specifically applicable to that type of solid waste facility.
  - f. A closure plan meeting the requirements in this Article specifically applicable to that type of solid waste facility.
  - g. For land disposal facilities, a post-closure care plan meeting the requirements of any Article specifically applicable to that type of solid waste facility.
  - h. Documentation as needed to meet the financial assurance requirements of Article 18.
  - i. A site map, indicating property and facility size, relative to the surrounding area.
  - j. A location map identifying any learning sites within a two-mile radius of the facility.
  - k. For solid waste land disposal facilities, a construction quality assurance plan and a construction quality control plan meeting the requirements of subsection (B).
  - l. Any other relevant information required by the Department to determine whether to approve the facility plan.
  - m. A description of design and operating standards for any proposed surface impoundment handling leachate at a solid waste landfill.
3. In addition to the requirements of subsection (2), an application for facility plan approval for a solid waste land disposal facility shall contain technical information demonstrating that the aquifer protection standards of 18 A.A.C. 13, Article 11, will be met. The following shall be provided as attachments to the application for facility plan approval:

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- a. A topographic map, or other appropriate map approved by the Department, of the facility location and contiguous land area showing the known use of adjacent properties, all known water well locations found within one-half mile of the facility, and a description of well construction details and well uses, if available.
- b. A facility site plan showing all known property lines, structures, water wells, injection wells, drywells and their uses, locations of soil borings, topography, and the location of points of discharge.
- c. The facility design documents indicating proposed or as-built design details and proposed or as-built configuration of basins, ponds, waste storage areas, drainage diversion features, or other engineered elements of the facility affecting discharge. When formal as-built plan submittals are not available, the owner or operator shall provide documentation sufficient to allow evaluation of those elements of the facility affecting discharge, following the demonstration requirements of A.R.S. § 49-243 (B) through (I).
- d. A summary of the known past discharge activities at the site and the proposed facility discharge activities indicating all of the following:
  - i. The chemical, biological, and physical characteristics of the discharge.
  - ii. The rate, volume, and frequency of the discharge for each facility.
  - iii. The location of the discharge and a map outlining the pollutant management area described in A.R.S. § 49-244(1).
- e. A description of the best available demonstrated control technology employed in the facility, including:
  - i. A statement of the technology, processes, operating methods, or other alternatives proposed to meet the requirements of A.R.S. § 49-243(B) through (I). The statement shall describe:
    - 1) The alternative discharge control measures considered.
    - 2) The technical and economic advantages and disadvantages of each alternative.
    - 3) The justification for selection or rejection of each alternative.
  - ii. An evaluation of each alternative discharge control technology relative to the amount of discharge reduction achievable, site-specific hydrologic and geologic characteristics, other environmental impacts, and water conservation or augmentation.
  - iii. An industry-wide evaluation of the economic impact of implementation of each alternative discharge control technology.
  - iv. A statement reflecting the consideration of factors listed in A.R.S. § 49-243(B)(1)(a) through (h);
- f. Proposed points of compliance for the facility based on A.R.S. § 49-244. An owner or operator shall demonstrate that one of the following:
  - i. The facility will not cause or contribute to a violation of an Aquifer Water Quality Standard at the proposed point of compliance.
  - ii. If an Aquifer Water Quality Standard for a pollutant is exceeded in groundwater at the time of issuance of an approved facility plan, no additional degradation of the groundwater relative to that pollutant and determined at the proposed point of compliance will occur as a result of the discharge from the proposed facility. In this case, the owner or

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operator shall submit an Ambient Groundwater Monitoring Report that includes:

- 1) Data from eight or more rounds of ambient groundwater samples collected to represent groundwater quality at the proposed points of compliance.
  - 2) An AQL proposal for each pollutant that exceeds an Aquifer Water Quality Standard.
- g. A hydrogeologic study that defines the discharge impact area for the expected duration of the facility. The Department may allow the owner or operator to submit an abbreviated hydrogeologic study or, if warranted, no hydrogeologic study, based upon the quantity and characteristics of the pollutants discharged, the methods of disposal, and the site conditions. The owner or operator may include information from a previous study of the affected area to meet a requirement of the hydrogeologic study, if the previous study accurately represents current hydrogeologic conditions.
- i. The hydrogeologic study shall demonstrate one of the following:
    - 1) That the facility will not cause or contribute to a violation of an Aquifer Water Quality Standard at the applicable point of compliance.
    - 2) If an Aquifer Water Quality Standard for a pollutant is exceeded in groundwater at the time of permit issuance, that no additional degradation of groundwater relative to that pollutant and determined at the applicable point of compliance will occur as a result of the discharge from the proposed facility;
  - ii. Based on the quantity and characteristics of pollutants discharged, methods of disposal, and site conditions, the Department may require the owner or operator to provide any or all of the following:
    - 1) A description of the surface and subsurface geology, including boring logs.
    - 2) The location of any perennial, intermittent, or ephemeral surface water bodies.
    - 3) The characteristics of the aquifer and geologic units with limited permeability, including depth, hydraulic conductivity, and transmissivity.
    - 4) The rate, volume, and direction of surface water and groundwater flow, including hydrographs, if available, and equipotential maps.
    - 5) The precise location or estimate of the location of the 100-year flood plain and an assessment of the 100-year flood surface flow and potential impacts on the facility.
    - 6) Documentation of the existing quality of the water in the aquifers underlying the site, including, where available, the method of analysis, quality assurance, and quality control procedures associated with the documentation.
    - 7) Documentation of the extent and degree of any known soil contamination at the site.

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- 8) An assessment of the potential of the discharge to cause the leaching of pollutants from surface soil or vadose materials.
  - 9) Any changes in the water quality expected because of the discharge.
  - 10) A description of any expected changes in the elevation or flow directions of the groundwater expected to be caused by the facility.
  - 11) A map of the facility's discharge impact area.
  - 12) The criteria and methodologies used to determine the discharge impact area.
- h. A detailed proposal indicating the alert levels, discharge limitations, monitoring requirements, compliance schedules, and temporary cessation or plans that the owner or operator will use to satisfy the requirements of Article 11 of this Chapter;
  - i. A demonstration of the ability of the owner or the operator of the solid waste facility to maintain the technical capability necessary to carry out the terms of an approved plan approval. The owner or the operator shall make this demonstration by submitting all of the following information for each person principally responsible for designing, constructing, or operating the facility:
    - i. Pertinent licenses or certifications held by the person.
    - ii. Professional training relevant to the design, construction, or operation of the facility.
    - iii. Work experience relevant to the design, construction, or operation of the facility.
  - j. Any other relevant information required by the Department to determine whether to issue an approved facility plan.
4. In addition to the requirements described in subsections (2) and (3), an application for facility plan approval for a solid waste landfill shall contain water balance modeling. All water balance analysis shall be performed using a model having supporting documentation establishing its ability to accurately represent water balance within a landfill unit.
  5. Technical data submitted under subsections (2), (3) and (4), such as design drawings and specifications, and engineering studies shall be sealed by a professional engineer registered in Arizona.
  6. The application for plan approval shall be accompanied by payment of fees as described in Article 21.

**B. Construction Quality Assurance and Construction Quality Control Plans**

1. If required by 1102(A)(2)(k), the owner or operator of a solid waste land disposal facility shall submit a construction quality assurance and construction quality control (CQA/CQC) plan as part of the application for facility plan approval for a new or expanded facility. The CQA/CQC plan shall provide the detailed specifications for the design approved for a new solid waste land disposal facility or an expansion of an existing solid waste land disposal facility under this Chapter. For each specified phase of construction, the CQA/CQC plans shall include:
  - a. A delineation of the responsibilities for the quality assurance management organization and the quality control management organization, including the

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chain of command of the quality assurance inspectors and contractors and the quality control inspectors and contractors.

- b. A description of the required level of experience and training for the contractor, the contractor's crew, each subcontractor and each subcontractor's crew, and quality assurance and quality control inspectors for every major phase of construction. The description shall be sufficiently detailed to demonstrate that the proposed installation methods and procedures could be properly implemented.
  - c. A description of the quality assurance and quality control testing protocols for every major phase of construction, which shall include all of the following:
    - i. The frequency of inspection.
    - ii. The type and frequency of testing.
    - iii. The sampling and field testing procedures and equipment to be utilized.
    - iv. The list of construction equipment to be utilized.
    - v. The frequency of performance audits.
    - vi. The sampling protocol for field and laboratory testing.
    - vii. The laboratory procedures to be utilized.
    - viii. The calibration of field and laboratory equipment and the quality assurance and quality control protocols applicable to field and laboratory procedures.
    - ix. The limits for test failure.
    - x. A description of the corrective procedures to be used upon test failure.
    - xi. For each component of the proposed design of a new or expanded solid waste land disposal facility, a description of the manufacturer's quality control criteria and minimum standards for on-site and off-site handling, including shipping, handling, storage, installation, and numbers and types of testing required.
  - d. A description of the CQA/CQC documentation activities including daily summary reports, inspection data sheets, problem identification and corrective measures reports, acceptance reports, and final documentation.
2. The owner or operator of a new solid waste land disposal facility or an expansion of an existing solid waste land disposal facility shall submit to the Department a report documenting the results of the activities included in the CQA/CQC plans within 90 days after completion of construction. The report must:
- a. Demonstrate that the construction technology and standards have achieved the approved standards; and
  - b. Provide confirmation that the selected construction methods and technologies will achieve the highest level of public health and environmental protection.

If the owner or operator fails to submit a report meeting these requirements, the Department may suspend or revoke approval to operate the new solid waste land disposal facility or expansion of an existing solid waste land disposal facility.

3. If a temporary approval to operate a new solid waste land disposal facility or an expansion of an existing solid waste land disposal facility is desired prior to submission of the CQA/CQC report, the owner or operator shall submit to the Department a construction certification letter signed and sealed by a professional engineer registered in Arizona. The letter shall document the performance of construction quality assurance by the engineer and state that the construction was completed in substantial conformance

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with the approved plans and specifications. If the Department issues a letter granting temporary approval to operate the new or expanded solid waste land disposal facility, the owner or operator must submit the report referenced in R18-13-1102(B)(2) within the specified time frame or the Department may revoke the temporary approval to operate.

**C. Denial of Plan Approval**

The Director may deny a plan approval if the Director determines upon completion of the application process that the owner or operator has:

1. Failed or refused to correct a deficiency in the plan approval application;
2. Failed to demonstrate that the facility and the operation will comply with the requirements of A.R.S. Title 49, Chapter 4 and this Chapter. The Director shall base this determination on any one or more of the following:
  - a. The information submitted in the plan approval application.
  - b. Any information submitted to the Department from the public.
  - c. Any relevant information that is developed or acquired by the Department.
3. Provided false or misleading information.

**D. Changes to Approved Plans**

1. A Type I change is an insignificant modification to a solid waste facility with an approved plan, that is not directly related to the physical management of solid waste or the replacement of equipment or structures with similar items, and that is not otherwise described as a type II, III or IV change.
2. A Type II change is a minor modification to a solid waste facility with an approved plan that is directly related to the physical management of solid waste, and that is not otherwise described as a type I, III or IV change.
3. A Type III change is a substantial change to a solid waste facility with an approved plan, that does not require public notice, that is significant, that requires detailed review by the Department, that is equally or more protective of the public health and environment, and that is not otherwise described as a type I, II or IV change. These changes may include the following:
  - a. A change in a compliance date in a compliance schedule.
  - b. A change of financial assurance mechanism.
  - c. A plan approval transfer required due to change of owner or operator.
  - d. The replacement of monitoring equipment, including a groundwater or gas monitoring well.
  - e. Any increase of less than 10 percent in the approved storage, processing, treatment, or disposal capacity except for ~~any~~ lateral expansion of an existing solid waste landfill.
  - f. An adjustment of the plan approval to conform to change in rule or statute.
  - g. A change to or addition of an alert level, aquifer quality limit, or other limit based on monitoring subsequent to solid waste facility plan approval.
  - h. An addition of a point of compliance monitoring well.
  - i. A change in the contingency plan.
  - j. A change to the approved designs, drawings, specifications, or operational practices, except for a change to the base liner of an existing solid waste landfill, that does not increase facility capacity.
  - k. An addition to the types of waste approved to be handled at the facility.

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- l. An addition to the types of alternative daily cover approved for use at a solid waste landfill.
  - m. A change to the approved monitoring program for a facility, including the addition or deletion of a monitoring point or a monitoring constituent, or a change in the frequency of monitoring.
  - n. An addition of a closure plan or closure components to an approved facility plan, and any corresponding change to the facility's financial assurance plan.
  - o. A change to the approved closure plan or approved closure components.
  - p. A change to the approved post-closure care or maintenance program, including a reduction in the post-closure care period.
  - q. A change to the post-closure use of the facility site.
  - r. An annual update approval of a financial assurance mechanism.
4. A Type IV change is a substantial change to a solid waste facility with an approved plan that requires public notice, that is a significant change in the total storage, process, treatment or disposal capacity of the facility, and that is not otherwise described as a type I, II, or III change. These changes may include the following:
- a. A physical change in a facility or change in its method of operation results in an increase of 10 percent or more in the approved storage, process, treatment, or disposal design capacity.
  - b. Based upon available information, the facility can no longer demonstrate that its discharge will comply with A.R.S. § 49-243(B)(2) or (3).
  - c. A reduction in the frequency of monitoring or reporting or a reduction of the number of pollutants monitored.
  - d. A change in the designation of a point of compliance.
  - e. For a facility that is a solid waste land disposal facility, a change that is described by any of the following:
    - i. Addition of a new surface impoundment or replacement of a surface impoundment.
    - ii. A Research, Development, and Demonstration Plan Approval.
    - iii. A change to an approved base liner system.
    - iv. A lateral expansion of an existing solid waste landfill.
  - f. For MSWLFs that dispose of less than 20 tons per day:
    - i. An alternative frequency for daily cover application or methane monitoring.
    - ii. Alternative requirements for the infiltration barrier of a final cover.

**E. Suspension, Revocation, or Termination of All or Part of an Approved Facility Plan**

- 1. The Director may suspend or revoke all or part of an approved plan for any of the following:
  - a. An owner or operator failed to comply with any applicable provision of A.R.S. Title 49, Chapter 4; this Chapter; or any condition of an approved facility plan.
  - b. An owner or operator misrepresented or omitted a fact, information, or data materially related to a solid waste plan approval application or condition of an approved facility plan, of which the owner or operator knew or should have known.

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- c. The Director determines that an activity or facility subject to plan approval is causing or will cause a violation of an Aquifer Water Quality Standard at a point of compliance.
  - d. A discharge permitted by an approved facility plan is causing or will cause imminent and substantial endangerment to public health or the environment; or
  - e. An owner or operator failed to maintain financial assurance as required under Article 18.
- 2. At the request of the owner or operator of a solid waste facility with an approved facility plan, the Director may terminate all or part of an approved facility plan if the owner or operator demonstrates that the facility has closed as required by this Chapter for that type of facility, or as required by the approved facility plan for that facility.
  - 3. The Director may revoke all or part of an approved facility plan or a modification to an approved facility plan issued under this Chapter if the proposed construction or lateral expansion is not begun within 18 months of issuance or, if during the construction or major modification, work is suspended for more than 18 months.
  - 4. A suspension, revocation, or termination under this Section is subject to A.R.S. Title 41, Chapter 6, Article 10.

**R18-13-1103. Solid Waste Facilities Subject to Plan Approval; General Requirements**

- A. The facilities listed in 1101 shall not be located on a site with an appurtenant irrigation grandfathered right or within 1/2 mile of a 100-year floodplain as provided in ARS 49-772(A).
- B. The facilities listed in 1101 are subject to financial assurance requirements as provided in Article 18.
- C. The owner or operator of a facility listed in 1101 shall conduct corrective action in response to a release from a facility, if the release violates or results from a violation of a design and operation standard in this Chapter, or causes or threatens to cause a significant adverse effect on human health or the environment. Corrective action shall be conducted in accordance with the standards described in A.R.S. § 49-282.06(A), (B)(4)(a) and (b), (C), (D), and (F). The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall cause the site to be listed in the repository established for the purpose of listing remediation sites, as required by A.R.S. § 49-152(E).

**R18-13-1104. Specific Requirements for Municipal Solid Waste Landfills; Restrictive Covenant; Location Restrictions**

- A. The Director may grant plan approval for operation of a municipal solid waste landfill only if a restrictive covenant that complies with ARS 49-771 and this subsection has been placed on the disposal area of the facility. In addition to the requirements in ARS 49-771, the restrictive covenant shall include a statement granting the Department the right of access onto any real property subject to a restrictive covenant under 49-771 to verify compliance with the restrictive covenant.
- B. A new municipal solid waste landfill (MSWLF), or a lateral expansion of a municipal solid waste landfill shall not be located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft unless the owner or operator demonstrate in the application for facility plan

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approval that the facility is designed and operated so that it does not pose a bird hazard to aircraft. In addition, owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA).

- C. A new municipal solid waste landfill or a lateral expansion of an existing MSWLF shall not be placed on any site if any of the following conditions result:
  - 1. The landfill restricts the flow of a one hundred-year flood.
  - 2. The landfill reduces the temporary water storage capacity of a floodplain.
  - 3. The placement of the landfill could result in a washout of solid waste.
- D. A new municipal solid waste landfill or a lateral expansion of an existing MSWLF shall not be located in wetlands unless the owner or operator demonstrates all of the following:
  - 1. A practicable alternative site that does not involve wetlands is not available.
  - 2. The construction and operation of the landfill does not cause or contribute to the violation of any applicable state water quality standard, toxic effluent standard or prohibition, or jeopardize endangered or threatened species or result in destruction or adverse modification of critical habitat.
  - 3. The construction and operation of the landfill do not cause or contribute to significant degradation of wetlands.
  - 4. To the extent required under section 404 of the Clean Water Act or applicable state wetland laws, steps have been taken to attempt to achieve no net loss of wetlands as defined in acreage and function by first avoiding impacts to wetlands to the maximum extent practicable pursuant to subsection (1) and offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions.
- E. A new municipal solid waste landfill, or a lateral expansion of an existing MSWLF shall not be located within two hundred feet of a fault that has had displacement in Holocene time, unless the owner or operator can demonstrate in the facility plan that an alternative setback distance of less than two hundred feet will prevent damage to the structural integrity of the facility and will protect public health and the environment.
- F. In seismic impact zones, unless the owner or operator can demonstrate in the facility plan that all containment structures, including liners, leachate collection systems and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.
- G. The owner or operator of a municipal solid waste landfill or a lateral expansion of an existing MSWLF that is located in an unstable area shall demonstrate in the application for facility plan approval that engineering measures have been incorporated into the facility design to ensure that the integrity of the structural components of the landfill will not be disrupted, including at a minimum an analysis of the following:
  - 1. On-site or local soil conditions that may result in significant differential settling.
  - 2. On-site or local geologic or geomorphologic features.
  - 3. On-site or local man-made surface or subsurface features or events.

**R18-13-1105. Specific Requirements for Municipal Solid Waste Landfills; Design Standards**

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- A.** The Director may approve a solid waste facility plan for a new municipal solid waste landfill, or a lateral expansion of an existing municipal solid waste landfill only if the owner or operator of the landfill demonstrates compliance with the criteria in A.R.S. § 49-243(B) through (I).
- B.** New MSWLF units and lateral expansions shall be constructed:
  - 1. With a design that ensures that the concentration values listed in 40 CFR 258.40, Table 1, and R18-11-406, whichever is more stringent, will not be exceeded in the uppermost aquifer at the relevant point of compliance, as specified by the Director during the plan approval process, or
  - 2. With a composite liner, as defined in subsection (C), and a leachate collection system that is designed and constructed to provide for collection and removal of leachate and maintain less than a 30-cm depth of leachate over the liner.
- C.** A facility liner system subject to this Section will be presumed to meet the BADCT requirement of subsection (A) if it is a composite liner that consists of two components; the upper component shall consist of a minimum 30-mil flexible membrane liner (FML), and the lower component shall consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. FML components consisting of high density polyethylene (HDPE) shall be at least 60-mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.
- D.** A run-on and run-off control system for a MSWLF unit meets subsection (A) if it is designed and constructed as follows:
  - 1. The run-on control system prevents will flow onto the active portion of the landfill during the peak discharge from a 25-year storm;
  - 2. The run-off control system from the active portion of the landfill will collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- E.** Owners or operators of all MSWLF units shall install a final cover system to minimize infiltration and erosion. A final cover system will be presumed to meet the requirement of subsection (A) if it is designed and constructed to:
  - 1. Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than  $1 \times 10^{-5}$  cm/sec, whichever is less, and
  - 2. Minimize infiltration through the closed MSWLF by the use of an infiltration layer that contains a minimum 18-inches of earthen material, and
  - 3. Minimize erosion of the final cover by the use of an erosion layer that contains a minimum 6-inches of earthen material that is capable of sustaining native plant growth.
- F.** The Director may approve an alternative final cover design that includes:
  - 1. An infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in subsections (E)(1) and (E)(2); and
  - 2. An erosion layer that provides equivalent protection from wind and water erosion as the erosion layer specified in subsection (E)(3).
  - 3. The Director may establish alternative requirements for the infiltration barrier in subsection (F)(1), after public review and comment, for any owners or operators of MSWLFs that dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative requirements established under this paragraph shall:

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- a. Consider the unique characteristics of small communities;
- b. Take into account climatic and hydrogeologic conditions; and
- c. Be protective of human health and the environment.

**R18-13-1106. Specific Requirements for Municipal Solid Waste Landfills; Operating Standards**

- A.** The owners or operator of a MSWLF shall implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes as defined in 40 CFR 261 and polychlorinated biphenyls (PCB) wastes as defined in 40 CFR 761. The program shall include, at a minimum:
  - 1. Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes;
  - 2. Records of any inspections;
  - 3. Training of facility personnel to recognize regulated hazardous waste and PCB wastes; and
  - 4. Notification of the Director if a regulated hazardous waste or PCB waste is discovered at the facility.
- B.** For purposes of subsection (A), regulated hazardous waste means a solid waste that is a hazardous waste, as defined in 40 CFR 261.3, that is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), or was not generated by a conditionally exempt small quantity generator as defined in 40 CFR 261.5.
- C.** Except as provided below, the owners or operators of all MSWLF units shall cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control vectors, fires, odors, blowing litter, and scavenging.
  - 1. Alternative materials of an alternative thickness (other than at least six inches of earthen material) may be approved by the Director of an approved State if the owner or operator demonstrates that the alternative material and thickness control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.
  - 2. The Director may grant a temporary waiver from the requirement of subsections (C) and (C)(1) if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical.
  - 3. The Director may establish alternative frequencies for cover requirements in subsections (C) and (C)(1), after public review and comment, for any owners or operators of MSWLFs that dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative requirements established under this subsection shall:
    - a. Consider the unique characteristics of small communities;
    - b. Take into account climatic and hydrogeologic conditions; and
    - c. Be protective of human health and the environment.
- D.** The owner or operator of a MSWLF shall prevent or control on-site populations of vectors using techniques appropriate for the protection of human health and the environment.

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**E.** The owner or operator of a MSWLF shall implement a program at the facility to control and monitor methane gas and to respond to the detection of methane gas in a manner that ensures protection of human health. This program shall, at a minimum:

1. Ensure that the concentration of methane gas generated by the facility does not exceed any one of the following:
  - a. Twenty-five percent of the lower explosive limit for methane in facility structures (excluding the gas control or recovery system components).
  - b. The lower explosive limit for methane at the facility property boundary.
2. Include a routine methane monitoring program to ensure that the standards of subsection (E)(1) are met. A methane monitoring program shall comply with the following:
  - a. The type and frequency of monitoring shall be determined based on the following factors:
    - i. Soil conditions.
    - ii. The hydrogeologic conditions surrounding the facility.
    - iii. The hydraulic conditions surrounding the facility.
    - iv. The location of facility structures and property boundaries.
  - b. The minimum frequency for methane gas monitoring shall be quarterly, unless an increased frequency is established by the Department.
3. If methane gas levels exceeding the limits in subsection (1) are detected, the owner or operator shall:
  - a. Notify the Department within 24 hours after the exceedance and take all necessary steps to ensure protection of human health;
  - b. Within seven calendar days of detection, place in the operating record the methane gas levels detected, a description of the steps taken to protect human health, and provide written notification to the Department.
  - c. Within 60 days of detection, implement a remediation plan for the methane gas releases, describing the nature and extent of the problem and the remedy. This remediation plan shall be sent to the Department for approval. A copy of the approved remediation plan shall be placed in the operating record.
  - d. The Director may establish alternative schedules for demonstrating compliance with paragraphs (b) and (c).
4. The Director may establish alternative frequencies for the monitoring requirement of subsection (2)(b), after public review and comment, for any owners or operators of MSWLFs that dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative monitoring frequencies established under this subsection shall:
  - a. Consider the unique characteristics of small communities;
  - b. Take into account climatic and hydrogeologic conditions; and
  - c. Be protective of human health and the environment.

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**F.** The owner or operator of a MSWLF unit shall control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

**G.** MSWLFs shall maintain and operate the run-on run-off systems to meet the design requirements of 1105(D).

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- H.** Bulk or noncontainerized liquid waste may not be placed in MSWLF units unless:
1. The waste is household waste other than septic waste; or
  2. The waste is leachate or gas condensate derived from the MSWLF unit and the MSWLF unit, whether it is a new or existing MSWLF, or lateral expansion, is designed with a composite liner and leachate collection system as described in this Section. The owner or operator shall place the demonstration in the operating record and notify the Director that it has been placed in the operating record.
- I.** Containers holding liquid waste may not be placed in a MSWLF unit unless:
1. The container is a small container similar in size to that normally found in household waste;
  2. The container is designed to hold liquids for use other than storage; or
  3. The waste is household waste.
- J.** For purposes of subsections (H) and (I):
1. Liquid waste means any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test), revised as of November 2004 (EPA Publication SW-846) and no future editions or amendments. SW-846 is incorporated by reference, and on file with the Department and the Office of the Secretary of State.
  2. Gas condensate means the liquid generated as a result of any gas recovery process at the MSWLF unit.

**R18-13-1107. Specific Requirements for Municipal Solid Waste Landfills; Aquifer Protection Standards; Groundwater Monitoring System**

- A.** Groundwater monitoring required under this Article shall be conducted throughout the active life and post-closure care period of that MSWLF unit and shall comply with subsections (B) through (H) below.
- B.** Groundwater monitoring requirements under this Article may be suspended by the Director for a MSWLF unit if the owner or operator can demonstrate that there is no potential for migration of hazardous constituents from that MSWLF unit to the aquifer during the active life of the unit and the post-closure care period. This demonstration shall be certified by a qualified groundwater scientist and approved by the Director, and shall be based upon:
1. Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport, and
  2. Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and environment.
- C.** A groundwater monitoring system shall be installed that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that:
1. Represent the quality of background groundwater that has not been affected by leakage from a unit.
  2. Represent the quality of groundwater passing the relevant point of compliance specified by the Director. The relevant point of compliance specified by the Director shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the MSWLF unit unless otherwise approved by the Director. The downgradient monitoring system

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must be installed at the relevant point of compliance specified by the Director that ensures detection of groundwater contamination in the uppermost aquifer. When physical obstacles preclude installation of groundwater monitoring wells at the relevant point of compliance at existing units, the down-gradient monitoring system may be installed at the closest practicable distance hydraulically down-gradient from the relevant point of compliance specified by the Director that ensures detection of groundwater contamination in the uppermost aquifer.

D. The Director may approve a multi-unit groundwater monitoring system instead of separate groundwater monitoring systems for each MSWLF unit when the facility has several units, provided the multi-unit groundwater monitoring system meets the requirements of subsection (C) and will be as protective of human health and the environment as individual monitoring systems for each MSWLF unit, based on the following factors:

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1. Number, spacing, and orientation of the MSWLF units;
2. Hydrogeologic setting;
3. Site history;
4. Engineering design of the MSWLF units, and
5. Type of waste accepted at the MSWLF units.

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E. Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.

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1. The owner or operator shall submit for the Director's approval any documentation related to the design, installation, development, and decommission of any monitoring wells, piezometers and other measurement, sampling, and analytical devices.
2. The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

F. The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of:

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1. Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and
2. Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer; including, but not limited to: thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.

G. The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells installed in compliance with subsection (C).

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H. The owner or operator shall establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the monitoring parameters or constituents required by the Director for the groundwater monitoring program.

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**R18-13-1108. Specific Requirements for Municipal Solid Waste Landfills; Alert Levels, Discharge Limitations, and AQLs**

- A.** The owner or operator of a municipal solid waste landfill shall be subject to aquifer protection standards relating to alert levels, established by the Department and incorporated into the plan approval issued for the facility, as follows:
1. If the Department prescribes an alert level in an approved facility plan, the Department shall base the alert level on the site-specific conditions described by the owner or operator in the application submitted under 1102 or other information available to the Department.
  2. The Department may specify an alert level based on a pollutant that indicates the potential appearance of another pollutant.
  3. The Department may specify the measurement of an alert level at a location appropriate for the discharge activity, considering the physical, chemical, and biological characteristics of the discharge, the particular treatment process, and the site-specific conditions.
- B.** The owner or operator of a municipal solid waste landfill shall be subject to aquifer protection standards relating to discharge limitations, established by the Department and incorporated into the plan approval issued for the facility. If the Department prescribes discharge limitations in an approved facility plan, the Department shall base the discharge limitations on the considerations described in A.R.S. § 49-243.
- C.** The owner or operator of a municipal solid waste landfill shall be subject to aquifer protection standards relating to AQLs, established by the Department and incorporated into the plan approval issued for the facility. The Department may prescribe a site-specific AQL for each of the monitoring parameters or constituents required in an approved facility plan to ensure that the facility continues to meet the criteria under A.R.S. § 49-243(B)(2) or (3) as follows:
1. If the concentration of a pollutant in the groundwater does not exceed the Aquifer Water Quality Standard, the Department shall set the AQL at the Aquifer Water Quality Standard.
  2. If the concentration of a pollutant in the groundwater exceeds the Aquifer Water Quality Standard, the Department shall set the AQL higher than the Aquifer Water Quality Standard for that pollutant, so that no additional degradation of the groundwater relative to that pollutant beyond the level established in the approved facility plan will occur.

**R18-13-1109. Specific Requirements for Municipal Solid Waste Landfills; Contingency Plans**

- A.** The owner or operator of a municipal solid waste landfill shall be subject to aquifer protection standards relating to contingency plans, established by the Department and incorporated into the plan approval issued for the facility, as provided in this Section.
- B.** An approved facility plan for a municipal solid waste landfill shall specify a contingency plan that defines the actions to be taken if a discharge results in any of the following:
1. A violation of an Aquifer Water Quality Standard or an AQL.
  2. A violation of a discharge limitation.
  3. A violation of any other condition of the approved facility plan.

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4. An alert level is exceeded.
  5. An imminent and substantial endangerment to the public health or the environment.
- C.** The contingency plan may include one or more of the following actions if a discharge results in any of the conditions described in subsection (B):
1. Immediate verification sampling.
  2. Notification to downstream or downgradient users who may be directly affected by the discharge.
  3. Further monitoring that may include increased frequency, additional constituents, or additional monitoring locations.
  4. Inspection, testing, operation, or maintenance of discharge control features at the facility.
  5. Evaluation of the effectiveness of discharge control technology at the facility that may include technology upgrades.
  6. Preparation of a hydrogeologic study to assess the extent of soil, surface water, or groundwater impact.
  7. Corrective action that includes any of the following measures:
    - a. Control of the source of an unauthorized discharge.
    - b. Soil cleanup.
    - c. Cleanup of impacted surface waters.
    - d. Cleanup of impacted groundwater.
    - e. Mitigation measures to limit the impact of pollutants on existing uses of groundwater.
- D.** An owner or operator shall not take a corrective action proposed under subsection (C)(7) unless the action is approved by the Department.
1. Emergency response provisions and corrective actions specifically identified in the contingency plan submitted with an application for plan approval are subject to approval by the Department during the application review process.
  2. The owner or operator may propose to the Department a corrective action other than those already identified in the contingency plan if a discharge results in any of the conditions identified in subsection (B).
  3. The Department shall approve the proposed corrective action if the corrective action provides a plan and expedient time-frame to return the facility to compliance with the facility's approved facility plan conditions and this Chapter.

**R18-13-1110. Specific Requirements for Municipal Solid Waste Landfills; Monitoring Requirements**

- A.** The owner or operator of a municipal solid waste landfill shall be subject to aquifer protection standards relating to monitoring requirements, established by the Department and incorporated into the plan approval issued for the facility.
- B.** The Department shall determine whether monitoring is required to ensure compliance with the conditions of the approved facility plan and with the aquifer protection standards established by this Chapter. If monitoring is required, the approved facility plan shall specify all of the following:
1. The type, method, and procedures for monitoring.
  2. Analytical methods.

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3. The frequency of monitoring.
  4. Any requirements for the installation, use, or maintenance of monitoring equipment.
  5. The intervals at which the owner or operator reports the monitoring results to the Department.
  6. A quality assurance and quality control plan.
- C.** A groundwater monitoring program required by the Department shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. Groundwater samples shall not be field-filtered prior to laboratory analysis. The sampling procedures and frequency shall be protective of human health and the environment.
- D.** The owner or operator of a municipal solid waste landfill shall make a monitoring record for each sample taken as required by the approved facility plan consisting of all of the following:
1. The date, time, and exact place of a sampling and the name of each individual who performed the sampling.
  2. The procedures used to collect the sample.
  3. The procedures for sample preservation and shipment.
  4. The date sample analysis was completed.
  5. The name of each individual or laboratory performing the analysis.
  6. The analytical techniques or methods used to perform the sampling and analysis.
  7. The chain of custody records.
  8. Any field notes relating to the information described in subsections (D)(1) through (7).
- E.** The owner or operator of a municipal solid waste landfill shall make a monitoring record for each measurement made, as required by the approved facility plan, consisting of all of the following:
1. The date, time, and exact place of the measurement and the name of each individual who performed the measurement.
  2. The procedures used to make the measurement.
  3. Any field notes relating to the information described in subsections (E)(1) and (2).
- F.** The owner or operator of an MSWLF shall measure groundwater elevations in each well immediately prior to purging, each time groundwater is sampled. Groundwater elevations in wells shall be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction. The owner or operator shall determine the rate and direction of groundwater flow each time groundwater is sampled.
- G.** The owner or operator of a municipal solid waste landfill shall maintain monitoring records for at least 10 years after the date of the sample or measurement, unless the Department specifies a shorter time period in the approved facility plan.

**R18-13-1111. Specific Requirements for Municipal Solid Waste Landfills; Reporting Requirements**

- A.** The owner or operator of a MSWLF shall notify the Department within five days after becoming aware of a violation of a condition of the approved facility plan, or of an alert

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level that was exceeded. The owner or operator shall inform the Department whether the contingency plan described in 1109 was implemented.

- B.** In addition to the requirements in subsection (A), the owner or operator of a MSWLF shall submit a written report to the Department within 30 days after the owner or operator becomes aware of a violation of a condition of the approved facility plan. The report shall contain:
1. A description of the violation and its cause.
  2. The period of violation, including exact date and time, if known, and the anticipated time period the violation is expected to continue.
  3. Any action taken or planned to mitigate the effects of the violation or to eliminate or prevent recurrence of the violation.
  4. Any monitoring activity or other information that indicates that a pollutant is expected to cause a violation of an Aquifer Water Quality Standard.
  5. Any malfunction or failure of a pollution control device or other equipment or process.
- C.** The owner or operator of a MSWLF shall notify the Department within five days after the occurrence of either of the following:
1. The owner or operator's filing of bankruptcy.
  2. The entry of any order or judgment not issued by the Director against the owner or operator for the enforcement of any federal or state environmental protection statute or rule.
- D.** The Director shall specify the method for submitting results from monitoring conducted under R18-13-1110.

**R18-13-1112. Specific Requirements for Municipal Solid Waste Landfills; Compliance Schedule**

- A.** The owner or operator of a municipal solid waste landfill shall follow a compliance schedule if established in the approved facility plan.
- B.** If a compliance schedule provides that an action is required more than one year after the date of issuance of the approved facility plan, the schedule shall establish interim requirements and dates for their achievement.
- C.** If the time necessary for completion of an interim requirement is more than one year and is not readily divisible into stages for completion, the approved facility plan shall contain interim dates for submission of reports on progress toward completion of the interim requirements and shall indicate a projected completion date.
- D.** Unless otherwise specified in the approved facility plan, within 30 days after the applicable date specified in a compliance schedule, the owner or operator of a facility with an approved facility plan shall submit to the Department a report documenting that the required action was taken within the time specified.
- E.** After reviewing the compliance schedule activity the Director may amend the approved facility plan, based on changed circumstances relating to the required action.
- F.** The Department shall consider all of the following factors when setting the compliance schedule requirements:
1. The character and impact of the discharge.
  2. The nature of construction or activity required by the approved facility plan.
  3. The number of persons affected or potentially affected by the discharge.

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4. The current state of treatment technology.
5. The age of the facility.

**G.** For a new facility, the Department shall not defer to a compliance schedule any requirement necessary to satisfy the criteria under A.R.S. § 49-243(B).

**R18-13-1113. Specific Requirements for Municipal Solid Waste Landfills; Closure**

- A.** As required by 1102(A)(2)(f), the owner or operator of a municipal solid waste landfill shall prepare a written closure plan that describes the steps necessary to close all MSWLF units at any point during their active life in accordance with the cover design requirements in 1105(E) and (F), as applicable. The closure plan, at a minimum, shall include the following information:
1. A description of the final cover, designed in accordance with 1105(E) and (F) and the methods and procedures to be used to install the cover;
  2. An estimate of the largest area of the MSWLF unit ever requiring a final cover as required under 1105(E) and (F) at any time during the active life;
  3. An estimate of the maximum inventory of wastes ever on-site over the active life of the landfill facility; and
  4. A schedule for completing all activities necessary to satisfy the closure criteria in 1105(E) and (F).
- B.** Prior to beginning closure of each MSWLF unit as specified in subsection (C), an owner or operator shall notify the Director that a notice of the intent to close the unit has been placed in the operating record.
- C.** The owner or operator shall begin closure activities of each MSWLF unit no later than 30 days after the date on which the MSWLF unit receives the known final receipt of wastes or, if the MSWLF unit has remaining capacity and there is a reasonable likelihood that the MSWLF unit will receive additional wastes, no later than one year after the most recent receipt of wastes. Extensions beyond the one-year deadline for beginning closure may be granted by the Director if the owner or operator demonstrates that the MSWLF unit has the capacity to receive additional wastes and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environmental from the unclosed MSWLF unit.
- D.** The owner or operator of all MSWLF units must complete closure activities of each MSWLF unit in accordance with the closure plan within 180 days following the beginning of closure as specified in subsection (C). Extensions of the closure period may be granted by the Director if the owner or operator demonstrates that closure will, of necessity, take longer than 180 days and he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed MSWLF unit.
- E.** Following closure of each MSWLF unit, the owner or operator shall submit to the Department a certification, sealed by a professional engineer registered in Arizona, verifying that closure has been completed in accordance with the closure plan,

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**R18-13-1114. Specific Requirements for Municipal Solid Waste Landfills; Post Closure**

- A.** Following closure of all or part of a municipal solid waste landfill, the owner or operator shall conduct post-closure care. Post-closure care shall be conducted for 30 years, except as provided under subsection (B), and shall consist of at least the following:

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1. Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover.
2. Maintaining and operating the leachate collection system in accordance with the requirements of the approved plan. The Director may allow the owner or operator to stop managing leachate if the owner and operator demonstrate that leachate no longer poses a threat to human health and the environment.
3. Monitoring the groundwater in accordance with the requirements of 1107 and maintaining the groundwater monitoring system, if applicable.
4. Maintaining and operating the methane monitoring system in accordance with the requirements of the approved plan.
5. Decommissioning all gas monitoring and extraction wells and bore holes in a manner that protects groundwater at the end of the post-closure period.

**B.** The length of the post-closure care period may be:

1. Decreased if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and this demonstration is approved by the Director.
2. Increased if the Director determines that the lengthened period is necessary to protect human health and the environment.

**C.** As required by 1102(A)(2)(g), the owner or operator of a municipal solid waste landfill shall prepare a written post-closure plan that includes, at a minimum, the following information:

1. A description of the monitoring and maintenance activities required in subsection (A) for each MSWLF unit subject to this Section, and the frequency at which these activities will be performed.
2. Name, address, and telephone number of the person or office to contact about the facility during the post-closure period.
3. A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, any liner, or any other components of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements of this chapter. The Director may approve any other disturbance if the owner or operator demonstrate that disturbance of the final cover, liner or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

**D.** Following completion of the post-closure care period for each MSWLF unit, the owner or operator shall submit to the Department a certification, sealed by a professional engineer registered in Arizona, verifying that post-closure care has been completed in accordance with the post-closure plan.

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**R18-13-1115. Transition for Existing Landfills; Small Landfills**

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**A.** The owner or operator of a municipal solid waste landfill that is operating on the effective date of this Section under the exemptions described in 40 CFR 258.1(f) will not be subject to the groundwater monitoring requirements or liner system requirements of

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this Article if, and only to the extent that, the municipal solid waste landfill is described by all of the following:

1. The municipal solid waste landfill disposes of less than 20 tons of municipal solid waste daily, based on an annual average, and calculated as total tonnage divided by actual number of days of operation in the most recent calendar year.
2. There is no evidence of groundwater contamination from the municipal solid waste landfill.
3. The municipal solid waste landfill serves a community that is described by one of the following:
  - a. A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility.
  - b. A community that has no practicable waste management alternative and the landfill is located in an area that annually receives less than or equal to 25 inches of precipitation.
4. The municipal solid waste landfill does not undergo lateral expansion.

**B.** The owner or operator of a municipal solid waste landfill that is described by subsection (A) shall do both of the following:

1. Within 180 days of the effective date of this Section, place in the operating record of the facility information demonstrating that the conditions in subsection (A) are satisfied and submit the information to the Director.
2. Immediately notify the Director if the owner or operator has knowledge of groundwater contamination resulting from the municipal solid waste landfill, and thereafter comply with any monitoring requirements ordered by the Director.

**C.** An owner or operator of a municipal solid waste landfill operating under an approved facility plan on the effective date of this Section shall submit an application for a modification of the plan to the Director that complies with the aquifer protection requirements of R18-13-1107 through R18-13-1112. The application shall include the components listed in R18-13-1102(A)(3) and shall be submitted by the earlier of the following dates:

1. Five years after the effective date of this Section for units not conducting postclosure monitoring and maintenance.
2. When the owner or operator requests a Type III or IV change. This subsection is not triggered if the Type III change sought is for a change described by 1102(D)(3)(b) or (r).

**D.** Landfills operating under an aquifer protection permit are not subject to subsection (C).

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**Deleted:** A suspension of groundwater monitoring in effect under 40 C.F.R. 258.50(b) prior to the effective date of this Section is continued until the municipal solid waste landfill is issued a modification to an approved facility plan pursuant

#### **R18-13-1116. Research, Development, and Demonstration Plan Approval**

**A.** Except as provided in subsection (F), the Director may issue a research, development, and demonstration (RD&D) plan approval for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods which vary from either or both of the following criteria provided that the MSWLF unit has a leachate collection system designed and constructed to maintain less than a 30-cm depth of leachate on the liner:

1. The run-on control systems in 1105(D), and
2. The liquids restrictions in 1106(H).

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- B.** The Director may issue a RD&D plan approval for a new MSWLF unit, existing MSWLF unit, or lateral expansion, for which the owner or operator proposes to utilize innovative and new methods which vary from the final cover criteria of 1105(E) and (F) provided the MSWLF unit owner or operator demonstrates that the infiltration of liquid through the alternative cover system will not cause contamination of groundwater or surface water, or cause leachate depth on the liner to exceed 30 cm.
- C.** Any plan approval issued under this Section shall include such terms and conditions at least as protective as the criteria for municipal solid waste landfills to ensure protection of human health and the environment. The plan approval shall:
1. Provide for the construction and operation of such facilities as necessary, for not longer than three years, unless renewed as provided in subsection (E);
  2. Provide that the MSWLF unit must receive only those types and quantities of municipal solid waste and non-hazardous wastes which the Director deems appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process;
  3. Include such requirements as necessary to protect human health and the environment, including such requirements as necessary for testing and providing information to the Director with respect to the operation of the facility;
  4. Require the owner or operator of a MSWLF unit approved under this Section to submit an annual report to the Director showing whether and to what extent the site is progressing in attaining project goals. The report shall also include a summary of all monitoring and testing results, as well as any other operating information specified by the Director in the plan approval; and
  5. Require compliance with all criteria in this Article, except as approved under this Section.
- D.** The Director may order an immediate termination of all operations at the facility allowed under this Section or other corrective measures at any time the Director determines that the overall goals of the project are not being attained, including protection of human health or the environment.
- E.** Any plan approval issued under this Section shall not exceed three years and each renewal of a plan approval may not exceed three years.
1. The total term for a plan approval for a project including renewals may not exceed twelve years; and
  2. During plan approval renewal, the owner or operator shall provide a detailed assessment of the project showing the status with respect to achieving project goals, a list of problems and status with respect to problem resolutions, and other any other requirements that the Director determines necessary for plan approval renewal.
- F.** An owner or operator of a MSWLF unit that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, is not eligible for an RD&D plan approval.

**R18-13-1121. Specific Requirements for Non-Municipal Solid Waste Landfills**

- A.** A new non-municipal solid waste landfill, or a lateral expansion of a non-municipal solid waste landfill shall be subject to the restrictive covenant requirements and location restrictions for municipal solid waste landfills contained in 1104. In addition, a new non-municipal solid waste landfill, or a lateral expansion of an existing landfill:

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1. Shall not cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife; or
2. Shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

As used in this subsection:

- a. Endangered or threatened species means any species listed as such pursuant to section 4 of the Endangered Species Act.
  - b. Destruction or adverse modification means a direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.
  - c. Taking means harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing, or collecting or attempting to engage in such conduct.
- B.** The Director may approve a solid waste facility plan for a new non-municipal solid waste landfill, or a lateral expansion of a non-municipal solid waste landfill only if the owner or operator of the landfill demonstrates compliance with the criteria in A.R.S. § 49-243(B) through (I). In addition, a new non-municipal solid waste landfill, or a lateral expansion of a non-municipal solid waste landfill shall be subject to the design standards for municipal solid waste landfills contained in 1105(B) through (F).
- C.** The owner or operator of a non-MSWLF shall minimize the on-site population of vectors through the periodic application of cover material or other techniques as appropriate to protect public health. As used in this subsection:
1. Periodic application of cover material means the application and compaction of soil or other suitable material over disposed solid waste at the end of each operating day or at such frequencies and in such a manner as to reduce the risk of fire and to impede vectors access to the waste.
- D.** The concentration of methane generated by the non-MSWLF shall not exceed:
1. Twenty-five percent (25%) of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components); and
  2. The lower explosive limit for methane at the property boundary.
- E.** A non-MSWLF shall not pose a hazard to the safety of persons or property from fires. This may be accomplished through compliance with Arizona open burning laws and through the periodic application of cover material or other techniques as appropriate.
- F.** A non-MSWLF shall not allow uncontrolled public access so as to expose the public to potential health and safety hazards at the disposal site.
- G.** The owner or operator of a non-MSWLF shall comply with the aquifer protection requirements that are found at R18-13-1107 through 1112.
- H.** The owner or operator of a non-MSWLF shall comply with the closure and post-closure requirements at R18-13-1113 and 1114.

#### **R18-13-1122. Specific Requirements for Surface Impoundments Handling Leachate from Landfills; Design and Operation**

- A.** The Director may modify a solid waste landfill facility plan to include a new or lateral expansion of an existing surface impoundment handling leachate from a landfill only if the owner or operator of the surface impoundment demonstrates compliance with the criteria in A.R.S. 49-243(B) through (I). Surface impoundments not associated with solid waste landfills are not subject to this Article.

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- B. The owner or operator of a facility described in subsection (A) shall operate the facility to:
  1. Prevent overfilling of surface impoundments and maintain required freeboard.
  2. Control access to the site.
- C. The owner or operator of a facility described in subsection (A) shall inspect the surface impoundment and associated piping, pumps and hoses as needed, but at least monthly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the Director as part of the plan approval process.
- D. The owner or operator of a facility described in subsection (A) shall comply with the aquifer protection standards established in Sections 1107 through 1112.

**R18-13-1123. Specific Requirements for Surface Impoundments Handling Leachate from Landfills; Closure**

- A. The owner or operator of a surface impoundment handling leachate from a solid waste landfill shall submit a written closure plan which shall describe the steps necessary for closure of the surface impoundment and any anticipated future uses of the property following closure.
- B. The owner or operator shall notify the Director of the intent to close the surface impoundment at least 90 days before closure activities begin.
- C. The owner or operator of a facility described in subsection (A) that does not receive any solid waste for a period of 365 consecutive days shall commence closure activities according to this Section.
- D. The owner or operator of a facility described in subsection (A) shall comply with the following closure requirements:
  1. Remove all waste from the facility and all waste residue from buildings, fences, roads, equipment or other improvements related to solid waste handling or storage, treatment or disposal.
  2. Dispose of all waste removed from the closing facility only at a waste facility regulated by the Department, or at a waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
  3. Sample and analyze soil, groundwater and surface water for contamination if the owner, operator or the Department has reason to believe that there has been a release to groundwater, surface water, or soil. If groundwater, surface water, or soil is contaminated, the owner or operator of the solid waste facility shall conduct corrective action pursuant to R18-13-1103.
  4. Take precautions to prevent unauthorized use of the site.
  5. Begin closure activities no later than 30 days after the date on which the solid waste facility ceases storing, processing, treating, or disposing of solid waste.
  6. Complete closure activities within 90 days after the date on which closure activities begin, unless the owner or operator makes a demonstration of the need for an extension.
- E. The owner or operator of a solid waste facility that closes under this Section shall submit a written report summarizing closure activities and certifying that the clean closure requirements described in subsections (D)(1) through (D)(6) have been met. Technical data such as design drawings and specifications, and engineering studies shall be sealed

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by a professional engineer registered in Arizona. This report and certification shall be submitted to the Department within 60 days after completion of closure.

- F. Any solid waste facility which is not closed as described in subsections (D)(1) through (D)(6) is subject to closure and post-closure under R18-13-1113 and 1114, and shall modify financial assurance accordingly.

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**R18-13-1125. Specific Requirements for Certain Commercial or Government-owned Household Waste Composting Facilities**

- A. A new commercial or government-owned household waste composting facility that is not a land treatment facility under R18-9-101(23) and does not process only vegetative waste shall obtain plan approval prior to construction according to 1102. The owner or operator of an existing facility that matches this description shall submit an application for plan approval within 180 days of the effective date of this rule.
- B. A commercial or government-owned household waste composting facility that is a land treatment facility shall obtain an Aquifer Protection Permit pursuant to 18 AAC 9, and shall comply with the requirements of this Section.
- C. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain a system to control storm water run-on and run-off from the facility that diverts stormwater from contacting solid waste or compost and handles the diverted water in a manner consistent with state law and local ordinance or regulation. In addition, the system shall meet the following requirements:
1. A run-on control system shall prevent flow onto or into any area where solid waste is handled during the peak discharge from a 25-year, 24-hour storm.
  2. A run-off control system shall collect and control the water volume resulting from a 25-year, 24-hour storm event.
- D. The owner or operator of a facility described in subsection (A) shall implement a waste identification and screening program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures, and the waste verification procedures at the facility. The waste identification and screening program shall include the following, at a minimum:
1. List of wastes to be composted.
  2. A description of how wastes are to be handled on-site, to include:
    - a. Acceptance criteria
    - b. Procedures for ensuring that only approved wastes will be accepted.
    - c. Procedures for handling unacceptable wastes.
- E. Septage and grease trap waste shall not be received or handled at a facility described in subsection (A) except for the purpose of in-vessel composting.
- F. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:
1. Is constructed of durable materials.
  2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
  3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
  4. If the container is used to handle liquid or semisolid solid waste:

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- a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and
- b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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**G.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

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- 1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.
- 2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.
- 3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.
- 4. Tanks and ancillary equipment shall be protected from failure caused by freezing.
- 5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.
- 6. The tank system must include design considerations to ensure that:
  - a. The tank system is structurally suited for the proposed use.
  - b. The tank foundation is designed to meet the load of a full tank.
  - c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.
  - d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

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**H.** The owner or operator of a facility described in subsection (A) shall control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction. The facility shall collect and properly dispose of windblown litter at least once per operating day or more often if necessary to ensure that no windblown litter crosses the facility boundaries.

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**I.** The owner or operator of a facility described in subsection (A) shall conduct internal inspections and monitoring of the facility, and shall correct deficiencies detected through inspections or monitoring.

**J.** The owner or operator of a facility described in subsection (A) shall ensure facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and compliance with the requirements of this Article.

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- K.** The owner or operator of a facility described in subsection (A) shall establish and maintain during the active life of the facility a record of all of the following:
1. The weight or volume of solid waste received for each day of facility operation.
  2. A record of the final disposition of the compost.
- L.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (K) for the current month and, at a minimum, for the previous 60 months, available for Department inspection at the site of the facility.
- M.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility to have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.
- N.** The owner of a facility described in subsection (A) shall make arrangements for fire protection services where available. Where fire protection services are not available, an adequate water supply and fire fighting equipment suited to the type and volume of waste at the facility shall be maintained or be readily available to extinguish any and all types of fires.
- O.** The owner or operator of a facility described in subsection (A) shall create and regularly update an emergency preparedness plan to respond to releases of, or from, waste at the facility to air, soil, surface water or groundwater which pose an imminent and substantial endangerment to public health or the environment.
- P.** An emergency preparedness plan required by this Section shall be implemented in response to releases of waste resulting from fires, explosions or any other unplanned event.
- Q.** At minimum, the emergency preparedness plan shall be regularly updated to contain all of the following information:
1. The name and contact information of the emergency response coordinator responsible for implementing the emergency preparedness plan at the facility.
  2. The name and contact information for the local fire department or other emergency response organizations who would respond to a release from the facility.
  3. An evaluation of potential contaminants which could be released to air, soil, surface water or groundwater as the result of fire, explosion or other unplanned event at the facility;
  4. A general description of the method or the procedures to be taken in response to releases of waste, and personnel and equipment located at the facility that will be used in the response action.
- R.** The owner or operator of a facility described in subsection (A) that does not hold an aquifer protection permit from the Department shall comply with the closure requirements in R18-13-1123.

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**R18-13-1126. Specific Requirements for Facilities storing 500 or more waste tires for more than a 12 months, not owned by a county or municipality**

- A.** A new waste tire site not owned by a municipality or county at which 500 or more waste tires will be stored on any day and any tire is stored for more than 12 months shall obtain plan approval prior to construction in accordance with 1102. The owner or operator of an existing facility that matches this description shall submit an application for plan approval within 180 days of the effective date of this rule. The Director may grant plan

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approval only if the owner or operator demonstrates that the facility will comply with the requirements of this Section.

**B.** The owner or operator of a facility described in subsection (A) shall meet the following requirements in addition to the requirements in A.R.S. 44-1304.01.

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1. In addition to the twenty foot wide access routes between and around tire piles required by A.R.S. 44-1304.01, the owner or operator shall maintain at least a twenty foot wide buffer zone between and around piles that allows for the unrestricted movement of fire fighting equipment and fire fighting personnel.
2. Where the bulk volume of stored waste tires is more than 150,000 cubic feet, tire storage piles shall be located at least 50 feet from any building.
3. Tire storage piles shall be separated by a clear space of at least 40 feet from piles of other stored materials.
4. Waste tire storage areas shall be maintained free from combustible ground vegetation for a distance of 40 feet from the stored tires to grass or weeds; and for a distance of 100 feet from the waste tire storage area to brush and forested areas.
5. A public or private fire protection water supply shall be provided in accordance with Section 508 of the International Fire Code, 2003 edition. The water supply shall be arranged such that any part of the waste tire storage area can be reached by using not more than 500 feet of hose.
6. Open burning is prohibited at a facility described in subsection (A).
7. Cutting, welding or heating devices shall not be operated within 40 feet of the waste tire storage area of a facility described in subsection (A).
8. Waste tire piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.
9. The telephone number of the fire department and location of the nearest telephone shall be posted conspicuously in attended locations.

**C.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain a system to control storm water run-on to and run-off from the facility that diverts water from contacting solid waste and handles the diverted water in a manner consistent with state law and local ordinance or regulation. In addition, the system shall meet the following requirements:

1. A run-on control system shall prevent flow onto or into any area where solid waste is handled during the peak discharge from a 25-year, 24-hour storm.
2. A run-off control system shall collect and control the water volume resulting from a 25-year, 24-hour storm event.

**D.** The owner or operator of a facility described in subsection (A) shall control public access, provide security, prevent unauthorized dumping, control wind-blown litter, and control vector breeding and attraction.

**E.** The owner or operator of a facility described in subsection (A) shall conduct internal inspections and monitoring of the facility, and shall correct deficiencies detected through inspections or monitoring.

**F.** The owner or operator of a facility described in subsection (A) shall ensure that facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Article.

**G.** The owner or operator of a facility described in subsection (A) shall establish and maintain a record of all of the following:

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1. The number of tires received for each day of facility operation.
2. A record of any implementation of the emergency preparedness plan.
3. A record of internal inspections and measures taken to correct deficiencies detected through the inspections or monitoring.

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**H.** The owner or operator of a facility described in subsection (A) shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year. The annual report shall be submitted on a form prescribed by the Department and shall include all of the following:

1. Basic solid waste facility information, including:
  - a. The name of the solid waste facility and its mailing address.
  - b. The name, address and telephone number of each owner and operator of the solid waste facility.
  - c. The physical location of the solid waste facility.
  - d. A description of the waste management practices used at the solid waste facility.
2. The type and number of tires received.
3. The name of facilities from which tires were received.
4. The type and number of tires transported off site.
5. The name of entities which transported the tires off site.
6. The final destination for all tires transported off site.
7. The number of tires remaining on site.
8. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.

**I.** The owner or operator of a facility described in subsection (A) shall make the records described in subsection (G) for the current month and, at a minimum, for the previous 36 months, available for Department inspection at the site of the facility.

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**J.** The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility to have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.

**K.** The owner or operator of a facility described in subsection (A) shall make arrangements for fire protection services where available. Where fire protection services are not available, an adequate water supply and fire fighting equipment suited to the type and volume of waste at the facility shall be maintained or be readily available to extinguish any and all types of fires.

**L.** The owner or operator of a facility described in subsection (A) shall create and regularly update an emergency preparedness plan to respond to releases of, or from, waste at the facility to air, soil, surface water or groundwater which pose an imminent and substantial endangerment to public health or the environment.

**M.** An emergency preparedness plan required by this Section shall be implemented in response to a release of waste resulting from a fire, explosion, or any other unplanned event.

**N.** At minimum, the emergency preparedness plan shall be regularly updated to contain all of the following information:

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1. The name and contact information of the emergency response coordinator responsible for implementing the emergency preparedness plan at the facility.
  2. The name and contact information for the local fire department or other emergency response organizations who would respond to a release from the facility.
  3. An evaluation of potential contaminants which could be released to air, soil, surface water or groundwater as the result of fire, explosion or other unplanned event at the facility.
  4. A general description of the method or the procedures to be taken in response to releases of waste, and personnel and equipment located at the facility that will be used in the response action.
- O.** The owner or operator of a facility described in subsection (A) shall comply with the closure requirements in 1123.

**R18-13-1127. Specific Requirements for biosolids processing facilities**

The owner or operator of a biosolids processing facility shall satisfy the requirement of A.R.S. 49-762 to obtain approval of a solid waste facility plan by obtaining all permits required by A.R.S. Title 49, Chapter 2, or the rules promulgated under A.R.S. Title 49, Chapter 2.

**R18-13-1128. Additional requirements for medical waste facilities subject to plan approval**

- A.** The owner or operator of medical waste treatment facility as defined in R18-13-1401 (MWTF) shall comply with the design and operation rules in 18 AAC 14 and the closure requirements in 1123.
- B.** The owner or operator of an existing MWTF shall submit a demonstration of financial assurance complying with Article 18 and a closure plan complying with 1123 as a Type III modification to its plan approval within 180 days of the effective date of this rule.
- C.** The owner or operator of new MWTF as defined in R18-13-1401 shall apply for and receive plan approval prior to construction under the procedures in 1410 through 1412. In addition the application for plan approval shall include a closure plan complying with 1123 and a demonstration of financial assurance complying with Article 18.
- D.** Any modifications to facility plan approvals for MWTFs as defined in R18-13-1401 are subject to 1413 and the fee requirements of Article 21.

**R18-13-1129. Additional requirements for special waste facilities subject to plan approval**

- A.** The owner or operator of a special waste facility as defined in ARS 49-857 that handles waste from shredding motor vehicles shall comply with the design and operation rules in 18 AAC 13, and the closure requirements of 1123.
- B.** The owner or operator of an existing special waste facility as defined in ARS 49-857 shall submit a demonstration of financial assurance complying with Article 18 and a closure plan complying with 1123 as a Type III modification to its plan approval within 180 days of the effective date of this rule.
- C.** The owner or operator of a special waste facility as defined in ARS 49-857 that handles waste from shredding motor vehicles shall comply with the plan approval procedures in 1102. In addition, the application for plan approval shall include a closure plan pursuant to 1123 and a financial assurance demonstration pursuant to Article 18.

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- | D. The owner or operator of a new special waste receiving facility as defined in ARS 49-857 that handles waste that contains petroleum contaminated soils shall comply with the design and operation rules in 18 AAC 16. Deleted: R18-13-1601,
- | E. The owner or operator of an existing special waste facility as defined in ARS 49-857 that handles waste that contains petroleum contaminated soils shall submit a demonstration of financial assurance complying with Article 18 as a Type III modification to its plan approval within 180 days of the effective date of this rule. Deleted: receiving  
Deleted: R18-13-1601
- | F. The owner or operator of a new special waste facility as defined in ARS 49-857 that handles waste that contains petroleum contaminated soils shall comply with the plan approval procedures in R18-13-1607. In addition, the application for plan approval shall include a financial assurance demonstration complying with Article 18. Deleted: receiving  
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- | G. Any modifications to facility plan approvals for special waste facilities as defined in ARS 49-857 are subject to 1102(D) and the fee requirements of Article 21. Deleted: receiving  
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## ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA

*(proposed changes to current Article 11)*

*(These definitions moved to Article 1)*

### **R18-13-1102. Definitions Reserved**

- A. ~~“Chemical toilet” means a toilet with a watertight, impervious pail or tank that contains a chemical solution placed directly under the seat and a pipe or conduit that connects the riser to the tank.~~
- B. ~~“Department” means the Department of Environmental Quality or a local health department designated by the Department.~~
- C. ~~“Earth pit privy” means a device for disposal of human excreta in a pit in the earth.~~
- D. ~~“Human excreta” means human fecal and urinary discharges and includes any waste that contains this material.~~
- E. ~~“License” means a stamp, seal, or numbered certificate issued by the Department.~~
- F. ~~“Pail or can type privy” means a privy equipped with a watertight container, located directly under the seat for receiving deposits of human excreta, that provides for removal of a waste receptacle that can be emptied and cleaned.~~
- G. ~~“Person” means the state, a municipality, district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.~~
- H. ~~“Sewage” means the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation.~~

### **R18-13-1103. General Requirements for the Collection, Transportation and Disposal of Human Excreta**

- A. Any person owning or operating a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other on-site wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet shall obtain a septage hauler license for each vehicle from the Department. The person shall apply, in writing, on forms furnished a form prescribed by the Department and shall demonstrate that each vehicle is designed and constructed to meet the requirements of this Article.

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B. A person shall operate and maintain the vehicle and equipment so that a health hazard, environmental nuisance, or violation of a water quality standard established under 18 A.A.C. 11 is not created.

C. ~~License terms. A septage hauler license issued under this Section shall include the following terms:~~

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1. Each license is valid so long as the vehicle is operated by the same person for the same purpose and is maintained according to this Article.
2. The license is not transferable either from person to person or from vehicle to vehicle.
3. The license holder shall ensure that the license number is plainly and durably inscribed in contrasting colors on the side door panels of the vehicle and the rear face of the tank in figures not less than 3 inches high, and that the numbers are legible at all times.

D. Any person owning or operating a vehicle or appurtenant equipment used to collect, store, transport, or dispose of sewage or human excreta shall obtain a permit from the local health department in each county in which the person proposes to operate.

#### **R18-13-1106. Inspection of Vehicles and Appurtenant Equipment**

The Department may inspect vehicles and appurtenant equipment used to collect, store, transport, or dispose sewage or human excreta as necessary to ensure compliance with this Article.

#### **R18-13-1112. Sanitary Requirements**

A. A person owning or operating a vehicle or appurtenant equipment to collect, store, transport, or dispose of sewage or human excreta shall ensure that all of the following requirements are met:

1. Sewage and human excreta is collected, stored, transported, and disposed of in a sanitary manner and does not endanger the public health or create an environmental nuisance;
2. The vehicle is equipped with a leak-proof and fly-tight container ~~that has a capacity of at least 750 gallons~~ and all portable containers, pumps, hoses, tools, and other implements are ~~stored within a covered~~ secured and fly-tight enclosure transported in a manner to prevent waste from falling, spilling or leaking. All hoses shall be capped securely when not in use;
3. Contents intended for removal are transferred as quickly as possible by means of a portable fly-tight container or suction pump and hose to the transportation container;
4. The transportation container is tightly closed and made fly-tight immediately after the contents have been transferred.
5. Portable containers are kept fly-tight while being transported to and from the vehicle.
6. Any waste dropped or spilled in the process of collection is cleaned up immediately and the area disinfected.
7. The vehicle, tools, and equipment are maintained in good repair at all times and, at the end of each day's work, all portable containers, transportation containers, suction pumps, hose, and other tools are cleaned and disinfected, ~~and~~

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8. All wastes collected are disposed of ~~according to the recommendations of as~~ authorized by the local county health department and that no change in the authorized method of disposal is made without ~~its~~ the prior approval of the local county authority. The local county ~~health department shall recommend authority~~ shall authorize handling or disposal by one of the following methods:
- a. At a designated point into a Department-approved sewage treatment facility or sewage collection system, with the approval of the owner or operator of the facility or system.
  - b. ~~By burying all wastes from chemical toilets in an area approved by the local county health department, or~~ Handled or disposed of only at a solid waste facility regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
  - c. ~~Into a sanitary landfill with approval of the owner or operator of the landfill and following any precautions designated by the owner and operator to protect the health of the workers and the public.~~
- B. Open dumping is prohibited ~~except in designated areas approved by the local county health department.~~

#### **R18-13-1116. Suspension and Revocation**

- A. If a Department inspection indicates that a licensed vehicle is not maintained ~~and or~~ operated ~~or work cannot be performed~~ according to this Article, the Department shall notify the owner in writing of all violations noted.
- B. The Department shall give the owner a reasonable period of time to correct the violations and comply with the provisions of this Article. If the owner fails to comply within the time limit specified, the ~~Department may suspend or revoke~~ owner is subject to suspension or revocation of the vehicle license based on the number and severity of violations. The Department shall follow the provisions of A.R.S. Title 41, Chapter 6, Article 10 in any suspension or revocation proceeding.
- C. The Department shall consider the revocation or suspension of a permit by a local health department for violation of this Article as grounds for revocation of the vehicle license. The local health department shall immediately suspend both the vehicle license and the permit issued by the local health department for gross violation of this Article if in the opinion of the local health department a serious health hazard or environmental nuisance exists.
- D. The owner of the vehicle whose license is suspended or revoked may appeal the final administrative decision as permitted under A.R.S. § 41-1092.08.

#### **R18-13-1117. Reinstatement**

Upon request of the vehicle owner, the Department may reinstate a suspended or revoked vehicle license following a Department reinspection and based on an evaluation of compliance with the requirements of this Article.

### **ARTICLE 18. ~~RESERVED~~ FINANCIAL RESPONSIBILITY FOR SOLID WASTE FACILITIES**

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### **R18-13-1801. Applicability**

- A.** An owner or operator of a solid waste facility that is not a municipal solid waste landfill shall demonstrate financial responsibility for closure, post-closure care, and corrective action for known releases by submitting and updating financial responsibility plans as required by this Article and A.R.S. §§ 49-761(J) and 49-770.
- B.** An owner or operator of a municipal solid waste landfill shall comply with the financial responsibility requirements of 40 CFR 258 in effect on May 1, 2004, as incorporated in A.R.S. § 49-701, and R18-13-1802(E)(1), (E)(4), and (H).
- C.** Demonstrations of financial responsibility are subject to the fee requirements in Article 21.
- D.** Nothing in this Article limits a facility owner or operator's liability for remedial action, remediation, corrective action, or response action.

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### **R18-13-1802. Financial Responsibility Plan**

- A.** Beginning 180 days after the effective date of this Section, a solid waste facility shall not begin operation until after the owner or operator has submitted a financial responsibility plan to the Department and the Department has approved that plan.
- B.** Within 180 days after the effective date of this Section, a solid waste facility that has begun operating shall submit a financial responsibility plan to the Department. The facility may continue to operate while the Department reviews the plan.
- C.** A financial responsibility plan submitted under this Section shall contain the following information:
1. All of the information required in R18-13-601(D), or a copy of the Solid Waste Facility Notice filed under R18-13-701(D), if all of the information in the Notice is current and accurate.
  2. For facility property that is currently or once was a solid waste facility, any known releases from the facility.
  3. The plan for solid waste facility closure developed under R18-13-605, R18-13-705, or R18-13-1123, including the equipment and activities that will be required.
  4. The estimated cost, in current dollars, for a third party to complete site closure. The estimate shall be itemized for each major expense and shall not be reduced by any allowance for the salvage value of equipment, solid waste, or the resale value of the property.
  5. A description of any postclosure monitoring and maintenance that will be necessary after the site is closed to protect public health and the environment, an estimate of how long postclosure monitoring, maintenance, or both will be necessary, and the cost, in current dollars, for a third party to conduct the postclosure monitoring and maintenance for the estimated period.
  6. The cost, in current dollars, for any corrective action required under R18-13-606, 706 and 1103.
  7. The financial assurance mechanism, or combination of mechanisms, proposed to ensure that the total plan costs described in subsections (C)(4), (C)(5), and (C)(6) will be provided for in the event that the owner or operator of the facility is financially unable to, or fails to do so for any reason, including the amount covered by each financial assurance mechanism, and the institution or company

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that is responsible for each financial assurance mechanism. Each financial assurance mechanism shall comply with the requirements of R18-13-1803.

8. A letter signed by the owner or operator's chief financial officer stating how the owner or operator is financially capable of meeting the total plan costs. If a financial assurance mechanism is proposed under R18-13-1803(A)(7)-(13), the letter shall include any other environmental obligations of the owner or operator assured by the same assets that are not recognized as liabilities on the owner or operator's financial statement, including other solid waste facilities, and those associated with underground storage tank facilities, or hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, regardless of location, and how the assets are sufficient to cover all liabilities.

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**D.** The Department shall take one of the following actions, in writing, on a financial responsibility plan submitted under this Article:

1. Approve the plan.
2. Disapprove the plan.
3. Declare the plan incomplete and describe the information necessary to make the plan complete.

**E.** Updates of approved financial responsibility plans. The owner or operator of a solid waste facility that has had a financial responsibility plan approved under this Article shall submit an update of the plan to the Director for approval at each of the following times, except that the Director may excuse the submittal of an update under subsection (1) or (2) if an update has been submitted for the facility within the previous 90 days:

1. The owner or operator of a solid waste landfill shall submit an update annually on the anniversary of the plan's approval unless another date is assigned by the Department.
2. The owner or operator of a solid waste facility that is not a solid waste landfill shall submit an update every three years beginning with the third anniversary of the plan's approval unless another date is assigned by the Department.
3. Thirty days prior to the facility being sold as required under R18-13-1804(B).
4. With the documentation submitted under R18-13-701(H) for a substantial change at a self-certification facility described in R18-13-700(A), or with the notice of any proposed Type III or IV change at a facility described at R18-13-1102(D). The updated financial responsibility plan should reflect total plan costs after the change is implemented.
5. Sixty days after the discovery of any new release from the facility that requires corrective action under R18-13-606, 706, or 1103.

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**F.** An update to a financial responsibility plan shall adjust for inflation, reflect cost changes that result from any changes to the facility plan or facility conditions, and shall include:

1. Any changes to the financial assurance mechanisms for that facility;
2. A certification that the financial assurance mechanisms are being maintained;
3. Any material changes in the financial condition of the owner or operator since the initial submittal or last update;
4. Material changes in the physical condition of the facility since the initial submittal or last update;

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5. A confirmation by the chief financial officer, or an equivalent position if none exists, regarding the owner or operator's financial capability for the total plan costs; and
6. For updates of plans using any instrument listed in R18-13-1803(A)(1) through (A)(6), a demonstration that the instrument meets the requirements of subsections (K)(1) and (K)(2) of this Section.

**G.** An owner or operator may submit one financial responsibility plan for multiple facilities located on one contiguous property. The cost estimates under R18-13-1802(C)(4), (5), and (6) attributable to each solid waste facility included in the plan shall be clearly stated. One financial assurance mechanism may be used to cover the plan costs for all of the solid waste facilities. The plan shall be updated under subsection (E) for each solid waste facility. A single fee shall be assessed under R18-13-2110, Schedule D.

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**H.** The owner or operator of a solid waste facility that was issued an Aquifer Protection Permit before the effective date of this rule and demonstrated financial competence for closure under A.R.S. § 49-243(N), shall update that demonstration by submitting a financial responsibility plan that meets the requirements of this Article within 180 days of the effective date of this rule. The owner or operator shall maintain each mechanism approved in the demonstration under A.R.S. § 49-243(N) until it is replaced by an approved new mechanism.

**I.** If, at any time, the owner or operator of a solid waste facility determines that changes in total plan costs or in the financial assurance mechanisms approved in the financial responsibility plan have caused the mechanisms to be no longer sufficient to meet the total plan costs, or in any other way to no longer meet the requirements of R18-13-1803, the owner or operator shall provide written notice to the Department of intent to establish additional or alternate financial assurance. The notice shall be sent by certified mail within 30 days after such determination. The owner or operator shall submit for Department approval the additional or alternate financial assurance within 90 days after the determination. An owner or operator may acquire alternate financial assurance without determining a mechanism insufficient if the alternate financial assurance is approved by the Director.

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**J.** The Director may require an owner or operator to submit reports of financial condition or other information, in addition to any update specified in subsection (E), based on the Director's determination that changes in total plan costs or in the financial assurance mechanisms approved in the financial responsibility plan have caused the mechanisms to be no longer sufficient to meet the total plan costs, or in any other way to no longer meet the requirements of R18-13-1803. If the Director finds, on the basis of such reports or other information, that the financial assurance mechanisms approved in the financial responsibility plan are no longer sufficient to meet the total plan costs or in some other way fail to meet the requirements of R18-13-1803, the Department shall notify the owner or operator in writing. The owner or operator shall provide additional or alternate financial assurance within 30 days after notification.

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**K.** General requirements.

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1. A financial responsibility mechanism submitted under R18-13-1802 shall ensure that the funds assured are sufficient to meet the total plan costs when needed, and will be available in a timely fashion when needed.

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2. Each mechanism listed in R18-13-1803(A)(1) through (A)(6) shall provide that the period of coverage for the benefit of the Department will continue at least 90 days beyond the date when the next annual or triennial update is due.
3. Unless otherwise required by the context, the requirements in this Article for each mechanism apply when the financial responsibility plan is submitted, and at all times thereafter, until the owner or operator's financial assurance obligation is released by the Department under R18-13-1805.

#### **R18-13-1803. Acceptable Financial Assurance Mechanisms**

- A.** The financial responsibility plan shall employ one or more of the mechanisms as specified below in subsections (1) through (13), in an amount that is sufficient to cover the total plan costs:
1. Surety bond guaranteeing payment or performance for closure, post-closure care and corrective action. An owner or operator may use this mechanism if the following conditions are met:
    - a. The company providing the bond is listed as an acceptable surety on Federal bonds in Circular 570 of the U.S. Department of the Treasury;
    - b. The company providing the bond is not more than 10 percent owned by the facility owner or operator, by a direct or higher-tier parent corporation of the facility owner or operator, or by a firm whose parent corporation is also the parent corporation of the facility owner or operator, when their ownership shares are taken in the aggregate;
    - c. The bond provides for payment or performance of the items listed in R18-13-1802(C)(4) through (C)(6), through payment into a standby trust fund, to be established by the owner, operator or surety, of an amount equal to the penal amount if the owner or operator fails to perform the required activities;
    - d. The penal amount of the bond is at least equal to the total plan costs if the bond is the only method used to satisfy the requirements of this Article, or a pro-rata amount if used with another financial assurance mechanism.
    - e. The surety bond names the Arizona Department of Environmental Quality as beneficiary;
    - f. The original or a certified copy of the surety bond is submitted to the Director;
    - g. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond;
    - h. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and operator and to the Director 120 days in advance of cancellation. If the surety cancels the bond, the owner or operator shall obtain alternate financial assurance within 60 days of receipt of cancellation; and
    - i. The owner or operator may cancel the bond only if alternate financial assurance approved by the Director is substituted, or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with R18-13-1805.

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2. Certificate of deposit. The owner or operator may use this mechanism if the following conditions are met:
- a. The owner or operator submits to the Director one or more certificates of deposit made payable to or assigned to the Department to cover the owner or operator's financial assurance obligation or a pro-rata amount if used with another financial assurance mechanism.
  - b. Each certificate of deposit is insured by the Federal Deposit Insurance Corporation and is automatically renewable.
  - c. The financial institution assigns the certificate of deposit to the Arizona Department of Environmental Quality.
  - d. Only the Department has access to the certificate of deposit.
  - e. Interest accrues to the owner or operator during the period the owner or operator gives the certificate as financial assurance, unless the interest is required to cover any of the total plan costs.
3. Trust fund with a pay-in period. An owner or operator may use this mechanism if the following conditions are met:
- a. The trustee is an entity with the authority to act as a trustee;
  - b. The trustee is not more than 10 percent owned by the owner or operator, by a direct or higher-tier parent corporation of the owner or operator, or by a firm whose parent corporation is also the parent corporation of the owner or operator, when their ownership shares are taken in the aggregate;
  - c. The trustee's trust operations are regulated and examined by a federal or state agency;
  - d. The trust is set forth in an agreement that is approved by the Director, names the Department as beneficiary, and sets full funding in an amount at least equal to:
    - i. The total plan costs, or a pro-rata amount if used with another financial assurance mechanism, or
    - ii. The amount specified in a compliance schedule approved in the plan approval; and
  - e. The pay-in period shall be 15 months for closure and postclosure costs, and one half of the length of the corrective action plan approved under R18-13-606, 706, or 1103 for corrective action costs.
  - f. The trust fund may be terminated by the owner or operator only if the owner or operator substitutes alternate financial assurance as specified in this Section or if it is no longer required to demonstrate financial responsibility under R18-13-1805.
4. Letter of credit. An owner or operator may use this mechanism if the following conditions are met:
- a. The financial institution issuing the letter has authority to issue letters of credit and its letter of credit operations are regulated and examined by a federal or state agency;
  - b. The financial institution is not more than 10 percent owned by the owner or operator, by a direct or higher-tier parent corporation of the owner or operator, or by a firm whose parent corporation is also the parent

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corporation of the owner or operator, when their ownership shares are taken in the aggregate;

- c. The financial institution names the Arizona Department of Environmental Quality as sole beneficiary for the letter of credit;
  - d. The letter is prepared by the financial institution and identifies the letter of credit issue date, expiration date, dollar sum of the credit, the name and address of the Department as the beneficiary, and the name and address of the owner or operator it is issued to; and
  - e. The Letter of Credit is irrevocable and issued for at least one year. The letter of credit shall provide that the expiration date is automatically extended for a period of at least one year unless the issuing institution has cancelled the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the Director 90 days in advance of cancellation or expiration. The owner or operator shall provide alternate financial assurance within 60 days of receipt of notice of expiration or cancellation.
5. Insurance policy. The owner or operator may use this mechanism if the following conditions are met:
- a. The insurer is a non-captive insurer authorized to transact the business of insurance in Arizona and has an AM BEST Rating of at least a B+ or the equivalent.
  - b. The owner or operator submits a copy of the insurance policy to the Department, along with the certificate of insurance and any declarations and endorsements.
  - c. The insurance policy guarantees that funds will be available to pay the total plan costs, without a deductible, or a pro-rata amount if used with another financial assurance mechanism. The policy also guarantees that once closure, postclosure, or corrective action begins, and while the activities are being conducted, the insurer is responsible for paying out funds to the Director or other entity designated by the Director up to an amount equal to the face amount of the policy.
  - d. Actual payments by the insurer will not change the face amount, although the insurer's future liability may be reduced by the amount of the payments, during the policy period.
  - e. The insurance policy names the Arizona Department of Environmental Quality as additional insured.
  - f. The policy provides for payment into a standby trust fund, to be established by the owner, operator, or insurer;
  - g. The insurance is effective before substitution of the policy for another financial assurance instrument, and for new facilities, before they begin to operate.
  - h. The policy contains a provision allowing assignment of the policy to a successor owner or operator. The transfer of the policy is conditional upon consent of the insurer and the Department.
  - i. The insurance policy provides that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy, at minimum, provides the insured with the option of

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renewal at the face amount of the expiring policy. If the owner or operator fails to pay the premium, or chooses to let the policy lapse, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner or operator and to the Director 90 days in advance of cancellation or termination. If the insurer cancels the policy, the owner or operator shall provide alternate financial assurance within 60 days of receiving the notice of cancellation.

6. Deposit of funds with the State Treasurer, if the following conditions are met:
  - a. The owner or operator deposits funds with the State Treasurer, is notified by the State Treasurer that an account has been set up for financial assurance purposes payable to the Department under A.R.S. § 49-761, and provides a copy of this notice to the Department.
  - b. The owner or operator pays money into the account by company, cashier, or certified check, or money order, or other method approved by the Department.
  - c. The amount of the deposit is refundable if approved by the Department and the State Treasurer.
7. Certificate of self-insurance. Instead of an insurance policy under subsection (5), an owner or operator may request the Director to issue a certificate of self-insurance if the following conditions are met:
  - a. The owner or operator files a bond with the Director for the total plan costs, and promises to pay the Department the amount under R18-13-1802(C)(4) through (C)(6) for closure, postclosure and corrective action as provided under the financial responsibility plan.
  - b. The owner or operator qualifies for the corporate financial test mechanism under subsection (8)(a) or (8)(b).
8. Corporate financial test. An owner or operator may demonstrate financial responsibility by making the demonstration in either subsection (a) or (b) and submitting the information required in subsection (c). The owner or operator shall not consolidate its financial statement with a parent or sibling company.
  - a. The owner or operator may demonstrate compliance with subsections (i), (ii), and (iii) below:
    - i. One of the following:
      - (1) A ratio of total liabilities to tangible net worth less than 2.0 and a ratio of current assets to current liabilities greater than 1.5; or
      - (2) A ratio of total liabilities to tangible net worth less than 2.0 and a ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or
      - (3) A ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1 and a ratio of current assets to current liabilities greater than 1.5;
    - ii. The net working capital and tangible net worth of the owner or operator each are at least six times the total plan costs added to any

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other environmental obligations assured through a financial test that are not recognized as liabilities on the owner or operator's financial statements, including other solid waste facilities, and those associated with underground storage tank facilities, or hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, regardless of location.

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iii. The owner or operator has assets in the U.S. of at least 90 percent of total assets or six times the total plan costs as adjusted under subsection (ii).

b. The owner or operator may demonstrate compliance with subsections (i), (ii), and (iii) below:

i. The owner or operator's senior unsecured debt has a current investment-grade rating as issued by Moody's Investor Service, Inc. or Standard and Poor's Corporation;

ii. The tangible net worth of the owner or operator is at least six times the total plan costs as adjusted in subsection (8)(a)(ii); and

iii. The owner or operator has assets in the U.S. of at least 90 percent of total assets or six times the total plan costs as adjusted in subsection (8)(a)(ii).

c. The owner or operator shall submit:

i. A letter signed by the owner or operator's chief financial officer that identifies the criteria in subsection (a) or (b) used by the owner or operator to satisfy the financial assurance requirements of this Section, an explanation of how the owner or operator meets the criteria, and a certification of the letter's accuracy, and

ii. A statement from an independent certified public accountant verifying that the demonstration submitted under subsection (i) is accurate based on the owner or operator's audited financial statements for the most recent fiscal year and no adjustment to the financial statement is necessary.

iii. A copy of the financial statements used for subsection (ii).

d. An owner or operator may use this mechanism to assure the amounts needed for more than one facility if the mechanism meets the requirements for the total of all environmental obligations at all facilities.

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## 9. Guarantees.

a. The owner or operator may use guarantees to cover the financial assurance obligation under this Article if the following conditions are met:

i. The owner or operator submits to the Department an affidavit certifying that the guarantee arrangement is valid under all applicable federal and state laws. If the guarantor is a corporation, the owner or operator shall include a certified copy of the corporate resolution authorizing the corporation to enter into an agreement to guarantee the owner or operator's financial assurance obligation;

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- ii. The owner or operator submits to the Department documentation that explains the substantial business relationship between the guarantor and the owner or operator;
- iii. The owner or operator demonstrates that the guarantor meets the conditions of the corporate financial test mechanism listed in subsection (8). For purposes of applying the criteria in subsection (8) to a guarantor, substitute “guarantor” for the term “owner” or “operator” as used in subsection (8);
- iv. The guarantee is governed by and complies with state law;
- v. The guarantee continues in force until cancelled as provided below, released by the Director, or replaced by another financial assurance mechanism listed in this Section;
  - (1) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Director. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Director, as evidenced by the return receipts.
  - (2) If a guarantee is cancelled, the owner or operator shall, within 90 days following receipt of the cancellation notice by the owner or operator and the Director, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Director. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Director.
- vi. The guarantee provides that, if the owner or operator fails to perform closure or postclosure care of a facility covered by the guarantee, the guarantor shall perform or pay a third party to perform closure or postclosure care, as required by the plan approval, or establish a fully funded trust fund that complies with subsections (3)(a) through (3)(d) in the name of the owner or operator; and
- vii. The guarantor names the Arizona Department of Environmental Quality as beneficiary of the guarantee.
- b. Guarantee reporting. The guarantor shall notify or submit a report to the Department within 30 days of:
  - i. An increase in financial responsibility during the fiscal year that affects the guarantor’s ability to meet the financial demonstration;
  - ii. Receiving an adverse auditor’s notice, opinion, or qualification; or
  - iii. Receiving a Department notification requesting an update of the guarantor’s financial condition.

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10. Government financial test.

- a. An owner or operator of a solid waste facility that is a county, city, town, or other local government entity may satisfy the requirements of subsections (i) and (ii) to demonstrate financial responsibility. The owner or operator shall demonstrate that it meets each of the following financial thresholds based on the owner or operator's most recent audited annual financial statement or Consolidated Annual Financial Report (CAFR), if available, or a similar document.
- i. The government entity shall not have operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years.
- ii. The total to be assured under the local government financial test must not exceed 43 percent of the government entity's total annual revenue. If the government entity assures other environmental obligations through a financial test, including those associated with underground storage tank facilities under A.R.S. § 49-1006, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, it must add those costs to the total plan costs under a local government financial test.

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11. Local government guarantee test.

An owner or operator may demonstrate financial assurance by obtaining a written guarantee provided by a government entity pursuant to subsections (a) through (e).

- a. The guarantor must meet the requirements of the local government financial test in subsection (10)(a), and must comply with the terms of a written guarantee.
- b. The guarantor shall submit a resolution authorizing guaranty and a letter signed by its chief financial officer, that indicates the guarantor has a substantial business relationship with the owner or operator and/or will benefit directly by providing the guarantee to the owner or operator.
- c. The guarantee shall be governed by and construed according to Arizona law.
- d. The guarantee continues in force until cancelled as provided in subsection (9)(a)(v), released by the Department, or replaced by another financial assurance mechanism listed in this Section.
- e. If the owner or operator's closure, post closure, or corrective action fails to take place as established in the plan, and the owner or operator fails to take necessary measures within 90 days of the Director's notification, the guarantor shall either perform, or pay a third party to perform, necessary activities, as required by the Department, or establish a fully funded trust fund that complies with subsections (3)(a) through (3)(d) in the name of the owner or operator.
- f. Guarantee reporting. The guarantor shall notify or submit a report to the Department as provided in subsection (9)(b).

12. Political subdivision financial test. An owner or operator of a solid waste facility that is a political subdivision, other than a local government entity, shall satisfy

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the requirements of subsections (a) and (b) to demonstrate financial responsibility. The political subdivision shall demonstrate that it meets each of the following financial thresholds based on the its most recent audited annual financial statement showing, as applicable, its bond rating, income stream, assets, liabilities, and assessed valuation of taxable property.

a. The political subdivision shall not have operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years.

b. The total to be assured under the political subdivision financial test must not exceed 43 percent of the entity's total annual revenue. If the entity assures other environmental obligations through a financial test, including those associated with underground storage tank facilities under A.R.S. § 49-1006, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, it must add those costs to the total plan costs.

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13. Any other financial assurance mechanisms or combination of mechanisms as approved by the Department, so long as it provides for the amounts specified in R18-13-1802(C)(4), (5), and (6), or as required by a judgment or consent decree. Mechanisms guaranteeing performance may not be combined with other mechanisms.

**R18-13-1804. Plan Amendment; Substitution of Financial Assurance Mechanism; Property Transfers**

**A.** A solid waste facility owner or operator may modify a financial assurance mechanism, substitute a new financial assurance mechanism for another in the financial responsibility plan, or otherwise amend the plan with the Department's prior approval. The new mechanism or amended plan shall meet the requirements of this Article.

**B.** At least 30 days before the sale or transfer of a solid waste facility or any property that is subject to a financial responsibility plan under this Article:

1. The property owner or operator shall submit to the Department:

a. Written notice of the intended sale or transfer, identifying the buyer or transferee, and the anticipated closing date.

b. An update to its financial responsibility plan.

2. The buyer or transferee shall submit to the Department a proposed financial responsibility plan as specified in R18-13-1802, that includes a proposed financial assurance mechanism or mechanisms that meet the requirements of this Article.

**C.** The Department shall respond to the submittals in subsection (B) as provided under R18-13-1802(D). The seller's financial assurance shall remain in effect until the buyer or transferee's financial assurance is approved, and the Department releases the seller's financial assurance.

**D.** The Department shall not approve any amendment, substitution or buyer's financial responsibility plan under this Section unless all fees for the facility have been paid as described in R18-13-1806 and Article 21.

**R18-13-1805. Release from Financial Responsibility**

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**A.** When an owner or operator meets the requirements for closure specified in this Article and ARS 49-770(E), it may request that the Department release it from the requirements to demonstrate financial assurance for closure.

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**B.** When an owner or operator meets the requirements for postclosure care specified in this Article and ARS 40-770(E), it may request that the Department release it from the requirements to demonstrate financial assurance for postclosure.

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**C.** When an owner or operator meets the requirements for corrective action specified in this Article, it may request that the Department release it from the requirements to demonstrate financial assurance for corrective action.

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**D.** Upon request under subsection (A), (B), or (C), the Department shall do one of the following, in writing:

1. Approve the request.
2. Deny the request.
3. Declare the request incomplete and describe the information necessary to make the request complete.

#### **R18-13-1806. Financial Responsibility Plan Administration Fees**

Solid waste facilities that submit financial responsibility plans or updates under this Article shall pay fees to the Department as provided in Article 21.

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### **ARTICLE 21. MUNICIPAL SOLID WASTE LANDFILLS FEES**

#### **R18-13-2101. Definitions**

In addition to the definitions in A.R.S. §§ 49-701 and 49-701.01, for the purpose of this Article, the terms used in this Article have the following meanings:

1. “Defined time period” means the 12 month period that begins on July 1 of a calendar year and ends on June 30 of the following calendar year and consists of the actual number of calendar days in that 12 month period.
2. “Disposal fee invoice” means the quarterly landfill disposal fee invoice the Department mails to a landfill operator, on which the landfill operator indicates the amount of waste received and the amount of the disposal fees owed to the Department as required under A.R.S. § 49-836.
3. “Full quarter” means any of the standard fiscal quarters of the defined time period for which a municipal solid waste landfill accepted waste on or before the first day of the quarter and on or after the last day of that quarter.
4. “Waste disposal rate” means the average amount of waste disposed in this state by a person daily, which the Department has calculated to be 6.17 pounds per person per day.

#### **R18-13-2102. Formula for Calculating Annual Registration Fee for an Existing Municipal Solid Waste Landfill**

**A.** For an existing municipal solid waste landfill, except those described in subsection (C), the Department shall calculate the annual registration fee under A.R.S. § 49-747 after calculating the population served by that municipal solid waste landfill, as follows:

1. Multiply the waste disposal rate by the number of days in the defined time period, and

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2. ~~Divide the total number of pounds of waste received by the municipal solid waste landfill by the product from subsection (A)(1).~~
- B.** ~~The Department shall determine the number of pounds of waste received by a municipal solid waste landfill by one of the following methods:~~
  1. ~~For a municipal solid waste landfill that accepted waste over the entire defined time period and:~~
    - a. ~~Reported tons of solid waste received on the disposal fee invoice, multiply the number of reported tons by 2,000; or~~
    - b. ~~Reported units of compacted or uncompacted solid waste received on the disposal fee invoice, multiply the volume of solid waste reported under A.R.S. § 49-836(A)(1) by 2,000; or~~
  2. ~~For a municipal solid waste landfill that accepted waste for only a portion of the defined time period, but no less than a full quarter, the Department shall project the total amount of waste that would have been received by the landfill over the entire defined time period, using one of the following methods:~~
    - a. ~~For a municipal solid waste landfill that reported receiving waste for at least a full three quarters but less than the entire defined period, the amount of waste for the remaining quarter is the total amount of the waste reported for the full three quarters divided by three;~~
    - b. ~~For a municipal solid waste landfill that reported receiving waste for at least a full two quarters but less than three quarters, the amount of waste for the remaining two quarters is the same as the total amount of waste reported for the two full quarters; or~~
    - c. ~~For a municipal solid waste landfill that reported receiving waste for at least one full quarter but less than two quarters, the amount of waste for the remaining three quarters is the total of the amount of the waste reported for the full quarter multiplied by three.~~
- C.** ~~For a municipal solid waste landfill that accepted waste for less than a full quarter, the annual landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).~~

**R18-13-2103. Annual Landfill Registration: Due Date and Fees**

- A.** ~~An operator of a new municipal solid waste landfill shall register the municipal solid waste landfill and pay the landfill registration fee as follows:~~
  1. ~~The operator shall pay the initial landfill registration fee within 30 days of the date that the Department approves the facility plan. The initial landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).~~
  2. ~~Registration is valid for one year, except if the landfill is initially registered during October, November, or December of a calendar year, the next landfill registration due date is December 31 of the following calendar year and each calendar year thereafter unless released from the annual landfill registration requirement as specified in subsection (C).~~
  3. ~~The annual registration fee remains the minimum fee rate under A.R.S. § 49-747(C) until the first annual registration period after the first full quarter of the defined time period.~~
- B.** ~~After the first full quarter, the Department shall calculate the annual registration fee according to R18-13-2102, and specify the fee on the Department's annual landfill~~

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~~registration invoice for the municipal solid waste landfill. The Department shall calculate and the municipal solid waste landfill shall pay the annual landfill registration fee until the first registration period after the municipal solid waste landfill stops accepting waste during a fiscal quarter of the defined time period.~~

- ~~C. From the time a municipal solid waste landfill stops accepting waste as specified in subsection (B), until the owner or operator of the municipal solid waste landfill is released from its obligation to provide financial assurance for closure as required by A.R.S. §§ 49-761 or 49-770, the annual registration fee is the minimum fee specified in A.R.S. § 49-747(C).~~

#### **R18-13-2102. Solid Waste Facility Self-Certification Registration Fees**

- A. With each initial self-certification filing submitted under A.R.S. § 49-762.05 and this Chapter, the owner or the operator shall pay a fee of \$500. With each self-certification filing for a substantial change, the owner or operator shall pay a fee of \$200.
- B. The Department shall not accept any self-certification filing for an owner or operator which has not paid all fees due under Schedules A through D of Appendix A.

#### **R18-13-2103. Solid Waste Facility Plan Review Fees**

- A. With each application submitted for approval pursuant to A.R.S. § 49-762.03 or A.R.S. § 49-770, the owner or operator shall pay an initial fee in accordance with one of the schedules in Appendix A, unless otherwise provided in subsection (B) and may be billed up to the maximum fees as provided in this Article.
- B. The Department shall issue to the owner or operator a final itemized bill after the Department issues the approval or disapproval of the application. If the Department determines that the actual cost of reviewing the plan is less than the initial fee and any interim fees paid, the Department shall refund the difference to the owner or operator. If the Department determines that the actual cost of plan review is greater than the corresponding amount listed, the Department shall list the amount that the owner or operator owes on the final itemized bill, except that the final itemized bill shall not exceed the applicable maximum fee specified in the schedules in Appendix A. The owner or operator shall pay in full the amount due within 30 days of receipt of the final itemized bill.
- C. If the final bill is not paid within the 30 days, the Department shall mail a second notice to the applicant. Failure to pay the amount due within 60 days of receipt of the notice shall result in the Department initiation of proceedings for suspension of the approval, in accordance with A.R.S. § 49-782.
- D. The Department may not review any application for plan approval for an owner or operator which has not paid all fees due under Schedules A through D of Appendix A.
- E. When determining actual cost under subsection (B), the Department shall use an hourly billing rate for all direct labor hours spent working on the review of a plan, plus any other reasonable direct cost which were incurred but are not included in the hourly billing rate.
- F. The hourly rate is \$78.53, beginning January 1, 2009, and shall remain in effect until it is either changed or repealed.

#### **R18-13-2104. Solid Waste Facility Plan Review Fees; Review of Bill**

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- A.** If the owner or operator disagree with the final bill received from the Department for plan review and issuance or denial of a solid waste facility plan approval under this Article, the owner or operator may make a written request to the Director for a review of the bill and may pay the bill under protest. The request for review shall specify the matters in dispute and shall be received by the Department within 10 working days of the date of receipt of the final bill.
- B.** Unless the Department and the owner or operator agrees otherwise, the review shall take place within 30 days of receipt by the Department of the request. Notice of the time and place of review shall be mailed to the owner or operator at least 10 working days prior to the review. The Director shall make a final decision as to whether the time and costs billed are correct and reasonable. The final decision shall be mailed to the applicant within 10 working days after the date of the review and is subject to appeal pursuant to A.R.S. § 49-769.

**R18-13-2105. Solid Waste Facility Plan Review Fees; Number of Billable Hours**

The Department shall determine the number of billable hours by subtracting from the number of hours in a work year the non-billable administrative hours.

**R18-13-2106. Solid Waste Facility Plan Review Fees; Determining the Average Cost Per Employee**

The Department shall determine the average cost per employee by dividing the Department's total direct cost for maintaining the plan review program equally between the plan reviewers as outlined in the following steps:

1. By calculating the average salary of the plan reviewers.
2. By calculating an average employee related cost and adding the average employee related cost to the average plan reviewer's salary from subsection (1).
3. By prorating the section's management cost, to which the plan reviewers are assigned, on a per section employee basis, and adding the section management prorated cost to the total cost from subsection (2).
4. By prorating the unit's management costs, to which the plan reviewers are assigned, on a per unit employee basis, and adding the prorated unit management cost to the total cost from subsection (3).
5. By prorating the section's operating, travel and equipment cost, to which the plan reviewers are assigned per section employee, and adding the prorated operating, travel and equipment cost to the total cost from subsection (4).

**R18-13-2107. Solid Waste Facility Plan Review Fees; Determining the Hourly Billing Rate**

The Department shall determine the hourly billing rate by dividing the average cost per employee from A.A.C. R18-13-2106 by the number of billable hours from A.A.C. R18-13-2105.

**R18-13-2108. Annual Landfill Registration: Formula for Calculating Annual Registration Fee for a Municipal Solid Waste Landfill; Annual Registration Fee for Non-Municipal Solid Waste Landfills**

- A.** For a municipal solid waste landfill, except those described in subsection (C), the Department shall calculate the annual registration fee under A.R.S. § 49-747 after calculating the population served by that municipal solid waste landfill, as follows:

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1. Multiply the waste disposal rate by the number of days in the defined time period, and
2. Divide the total number of pounds of waste received by the municipal solid waste landfill by the product from subsection (A)(1).

**B.** The Department shall determine the number of pounds of waste received by a municipal solid waste landfill by one of the following methods:

1. For a municipal solid waste landfill that accepted waste over the entire defined time period and:
  - a. Reported tons of solid waste received on the disposal fee invoice, multiply the number of reported tons by 2,000; or
  - b. Reported units of compacted or uncompact solid waste received on the disposal fee invoice, multiply the volume of solid waste reported under A.R.S. § 49-836(A)(1) by 2,000; or
2. For a municipal solid waste landfill that accepted waste for only a portion of the defined time period, but no less than a full quarter, the Department shall project the total amount of waste that would have been received by the landfill over the entire defined time period, using one of the following methods:
  - a. For a municipal solid waste landfill that reported receiving waste for at least a full three quarters but less than the entire defined period, the amount of waste for the remaining quarter is the total amount of the waste reported for the full three quarters divided by three;
  - b. For a municipal solid waste landfill that reported receiving waste for at least a full two quarters but less than three quarters, the amount of waste for the remaining two quarters is the same as the total amount of waste reported for the two full quarters; or
  - c. For a municipal solid waste landfill that reported receiving waste for at least one full quarter but less than two quarters, the amount of waste for the remaining three quarters is the total of the amount of the waste reported for the full quarter multiplied by three.

**C.** For a municipal solid waste landfill that accepted waste for less than a full quarter, the annual landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).

**D.** For a non-municipal solid waste landfill, the annual landfill registration fee is a fee of \$1,500.00.

**R18-13-2109. Annual Landfill Registration: Due Date and Fees**

**A.** The owner or operator of a new municipal solid waste landfill shall register the municipal solid waste landfill and pay the landfill registration fee as follows:

1. The owner or operator shall pay the initial landfill registration fee within 30 days of the date that the Department approves the facility plan. The initial landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).
2. Registration is valid for one year, except if the landfill is initially registered during October, November, or December of a calendar year, the next landfill registration due date is December 31 of the following calendar year and each calendar year thereafter unless released from the annual landfill registration requirement as specified in subsection (C).

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3. The annual registration fee remains the minimum fee rate under A.R.S. § 49-747(C) until the first annual registration period after the first full quarter of the defined time period.

**B.** After the first full quarter, the Department shall calculate the annual registration fee according to R18-13-2108, and specify the fee on the Department's annual landfill registration invoice for the municipal solid waste landfill. The Department shall calculate and the municipal solid waste landfill shall pay this annual landfill registration fee until the first registration period after the municipal solid waste landfill stops accepting waste during a fiscal quarter of the defined time period.

**C.** From the time a municipal solid waste landfill stops accepting waste as specified in subsection (B), until the owner or operator of the municipal solid waste landfill is released from its obligation to provide financial assurance for closure as required by A.R.S. §§ 49-761 or 49-770, the owner or operator shall pay the minimum fee specified in A.R.S. § 49-747(C).

**R18-13-2110. Solid Waste Disposal Fees**

Each owner or operator of a solid waste landfill or solid waste facility shall make the disposal fee payments required by A.R.S. § 49-836.

**Appendix. A. Fee Schedules**

<u>Schedule A</u> <u>Self-Certification Registration Fees</u>	
<u>Initial Filing</u>	<u>\$500</u>
<u>Substantial Change</u>	<u>\$200</u>

<u>Schedule B</u> <u>Fees for Plan Review of New Solid Waste Facilities</u>		
	<u>Initial</u>	<u>Maximum</u>
<u>Solid Waste Landfills</u>	<u>\$1,000</u>	<u>\$100,000</u>
<u>Other Solid Waste Facilities</u> <u>Subject to Plan Approval</u>	<u>\$1,000</u>	<u>\$50,000</u>

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<u>Schedule C</u> <u>Fees for Modifications to Solid Waste Facility Plans</u>		
	<u>Initial</u>	<u>Maximum</u>
<u>Solid Waste Landfills Type IV</u>	<u>\$1,000</u>	<u>\$100,000</u>
<u>Solid Waste Landfills – Type III (excluding annual financial assurance review)</u>	<u>\$500</u>	<u>\$50,000</u>
<u>Other Solid Waste Facilities Subject to Plan Approval Type IV</u>	<u>\$1,000</u>	<u>\$50,000</u>
<u>Other Solid Waste Facilities Subject to Plan Approval - Type III (excluding triennial financial assurance review)</u>	<u>\$500</u>	<u>\$25,000</u>

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<u>Schedule D</u> <u>Fees for Review of Financial Assurance Plans for Solid Waste Facilities</u>		
	<u>Initial</u>	<u>Maximum</u>
<u>Annual Review for Solid Waste Landfills</u>	<u>\$200</u>	<u>\$5,000</u>
<u>Triennial Review for Other Solid Waste Facilities Subject to Plan Approval</u>	<u>\$200</u>	<u>\$5,000</u>
<u>Initial Approval for Solid Waste Facilities Subject to Self-Certification or BMPs</u>	<u>\$200</u>	<u>\$20,000</u>
<u>Triennial Review for Solid Waste Facilities Subject to Self-Certification or BMPs</u>	<u>\$200</u>	<u>\$5,000</u>

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